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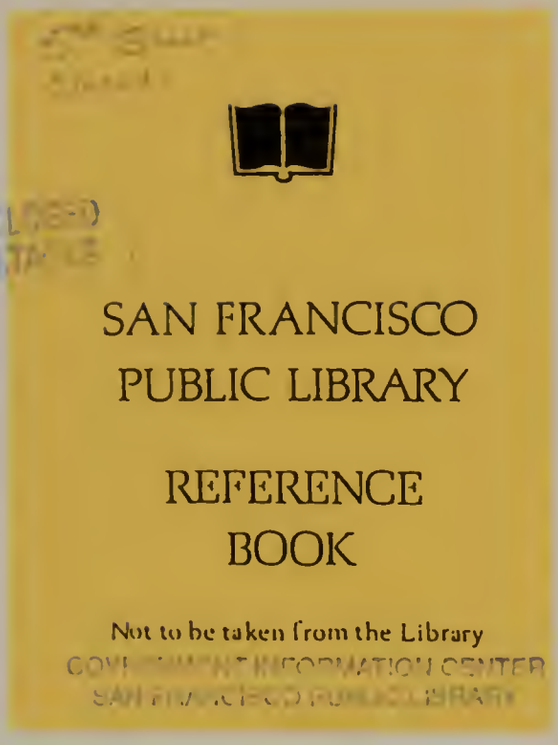

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JULY 6, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 6, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-client Conference
2. Personnel Matter

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AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

JULY 6, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 6, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF APRIL 6, 1988

Approval of Minutes of Meeting of April 6, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1290-88

SELWYN NG & VIDA LIU vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Selwyn Shick Hung Ng and Vida Liu in the sum of $25,000.00 in Municipal Court No. 936-064 entitled "Selwyn Shick Hung Ng and Vida Liu vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 20, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1291-88

RAYGENA HARPER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raygena Harper in the sum of $17,312.00 in Superior Court No. 857-196 entitled "Raygena Harper vs. City and County of San Francisco, et al" as a result of

damages sustained, be, and the same is hereby approved.

Date of Incident: September 19, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1292-88

CECILIA HOPKINS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cecilia Hopkins in the sum of $2,750.00 in Superior Court No. 847-296 entitled "Cecilia Hopkins vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 16, 1985

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1293-88

PAUL CHU vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Chu in the sum of $1,500.00 in U.S. District Court No. C87-2787 CAL entitled "Paul Chu, et al vs. City and County of San Francisco" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 22, 1986

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1294-88

ROSELEE REYES vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roselee Reyes in the sum of $1,500.00 in U.S. District Court No. C87-1354WWS as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1295-88

O'FARRELL TOWERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of O'Farrell Towers in the sum of $754.04 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: January 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

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RESOLUTION NO. 1296-88

THE CITY TOW (LEANA S. ROCHA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Leana S. Rocha) in the sum of $730.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 7, 1988
(Waiver Date) April 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1297-88

AL MONTEIRO vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made in Al Monteiro vs. City and County of San Francisco in Small Claims Court No. 477-339 in the total amount of $526.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1298-88

DEBRA L. BOYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra L. Boyer in the sum of $225.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1299-88

SHEILA M. LYNCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheila M. Lynch in the sum of $200.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1300-88

ARTHUR R. ALBRECHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur R. Albrecht in the sum of $165.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1301-88

MARGARET KNOBLOCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret Knobloch in the sum of $165.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1302-88

THE CITY TOW (VICTORIA CALDWELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Victoria Caldwell) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1303-88

THE CITY TOW (WILLIAM FREDRICK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (William Fredrick) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1304-88

THE CITY TOW (RENE A. RUIZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Rene A. Ruiz) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1305-88

THE CITY TOW (DEBORAH L. ROMERO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Deborah L. Romero) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1306-88

THE CITY TOW (FAYE SCHOOLCRAFT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Faye Schoolcraft) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1307-88

THE CITY TOW (EARL SISK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Earl Sisk) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1308-88

THE CITY TOW (MONICA BLAGBURN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Monica Blagburn) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1309-88

THE CITY TOW (VICENTE ACEVERS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Vicente Acevers) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1310-88

SKYWAY REALTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Romero in the sum of $97.27 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1311-88

THE CITY TOW (MURRAY PERSKY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Murray Persky) in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1312-88

THE CITY TOW (FRANCISCO VELAZQUEX)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Francisco Velazquex) in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1313-88

MARY ROWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Rowan in the sum of $45.00 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: May 17, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1314-88

FRANZ REHFELO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Franz

Rehfelo in the sum of $20.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Commission met in Closed Session on an Attorney Client Conference and a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

Mr. John Crew, Attorney for the ACLU, said that he just wanted to let the Commission know that they had discovered and learned this afternoon that the SFPOA had not given up their fight to get rid of the OCC Hearings. He said they (POA) have filed a petition for re-hearing in the Court of Appeals apparently still arguing that OCC Hearings can only take place if complainants and their representatives do not participate fully. He said they, (ACLU, Bar Association) would hear in the next couple of weeks whether or not the Court will grant the re-hearing request.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one item he wanted to bring to the attention of the Commission and that had to do with the shooting last night of Police Officer Terry Cottonreader assigned to Southern Police Station. He said the shooting occurred when the Officer entered a tavern at 28 6th Street between Market and Mission and was confronted by the suspect who had earlier robbed the Eureka Savings and Loan Office. He said the money taken in this robbery had some of the red dye from the trap that is usually placed on such monies when taken in robberies to explode on him as he left the premises of the Loan Office. Later as the suspect went to the bar on 6th Street and tried to pass some of this money with the dye on it the Bartender became suspicious. He said the police were notified and the officers responded to the scene. The Chief said as soon as the officers arrived, the suspect not knowing there would be trouble, started heading towards the back of the bar and that is when Officer Cottonreader asked him to remove his hand from his pocket and turn around. The Chief said that when the suspect did so he came out with a gun as he turned and shot the officer in the right side just under the Officer's bullet proof vest. The Chief said the officer returned the fire with five shots hitting the suspect each time. He said the suspect is still in critical condition at the present time. He said the Officer was released from the hospital today. The Chief said this suspect who is from another state may be involved in at least three other bank robberies in San Francisco occurring in the last ten days. Commissioner Orr-Smith advised the Chief that it was good police work by the Officer. The Chief tanked Commissioner Giraudo for responding on behalf of the Commission to the hospital to wish the wounded Officer well.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said they had no report for the Commission tonight.

RESOLUTION NO. 1283-88

RESETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, Mr. John Prentice, Attorney at Law, representing Patrol Special Officer Albert L. Robles, requested that the date for the hearing of Patrol Special Officer Robles be reset for October 26, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is reset for Wednesday, October 26, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1284-88

RESETTING OF DATE FOR HEARING OF POLICE OFFICER TONY B. HICKS, POTRERO STATION

WHEREAS, Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, requested that the date for the hearing of Police Officer Hicks be reset for October 19, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, is reset for Wednesday, October 19, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1285-88

REQUEST FOR ACCEPTANCE AND APPROVAL OF RESIGNATION SUBMITTED BY OFFICER DARRYL S. PERKINS, TARAVAL STATION

WHEREAS, on May 23, 1988, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Darryl S. Perkins, Taraval Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, July 13, 1988 as the date for the hearing on charges filed against Officer Darryl S. Perkins; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Officer Darryl S. Perkins dated June 29, 1988; and

WHEREAS, on July 6, 1988 a hearing was held on the request by Officer Perkins for acceptance and approval by the Police Commission and the Chief of Police on his resignation from the San Francisco Police Department, which resignation was accepted effective close of business June 29, 1988, with the condition that the services of Police Officer Darryl S. Perkins have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Darryl S. Perkins, Taraval Station, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Lee, Medina Nelder, Orr-Smith

HEARING ON APPLICATION OF RICHARD MIRON FOR THE POSITION OF PATROL SPECIAL OFFICER - CLOSED SESSION (PERSONNEL MATTER)

Because Mr. Richard Miron did not appear, even though he was duly notified by letter, the Commission continued the matter to Wednesday, July 13, 1988 at 5:30 p.m..

HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SGT. GILE PURSLEY, MISSION STATION

The hearing of the appeal of the Chief's suspension imposed on Sergeant Gile Pursley, Mission Station, was called it having been continued from the meeting of June 22, 1988.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant Gile Pursley appeared in person and was represented by Mr. Daniel J. Linehan, Police Officers' Association.

An opening statement was made by Mr. Daniel J. Linehan for the Defense.

The following witness appeared for the Defense, was sworn and testified:

Sergeant Gile Pursley, Mission Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Notice of Chief's Intent to Impose a Disciplinary Reprimand; Opportunity for Hearing, 9/3/87
Exhibit #2	Chief's Written Reprimand, 10/16/87

Exhibit #3 Chief's Suspension, 5/6/88

The following exhibit was entered into evidence by the Defense:

Exhibit A TT #009 of 2/4/88

Closing statements were made by both Mr. Michael Gash and Mr. Daniel J. Linehan.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1286-88

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SGT. GILE PURSLEY, MISSION STATION

WHEREAS, a hearing on said appeal was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 6, 1988, and the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Sergeant Gile Pursley, Mission Station, was sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Commission that the Chief's suspension of Sergeant Gile Pursley for one day be, and the same is hereby sustained.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing on the appeal of the Chief's suspension of Sergeant Gile Pursley:

6:47 p.m. to 6:50 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

DECISION ON REQUEST FOR STAY OF ACTION ON THE HEARING OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND STATION

Mr. Clifton Jeffers, Attorney for Officer Powers said he was prepared to proceed and therefore requested a closed hearing. Thereafter, he said Mr. Powers has been in the San Francisco Police Department for six (6) years this September and then attempted to review Mr. Powers background.

Mr. Michael Gash, Attorney for the Department objected and after having it sustained, Commissioner Giraudo indicated to Mr. Jeffers that the Commission wanted only to hear the facts relating to the competency of Officer Powers and would not want to hear any facts that may prejudice the disciplinary case against Officer Powers which is also before the Commission. Commissioner Giraudo said to Mr. Jeffers that he would prefer to hear from Mr. Jeffers experts as to their expert opinion whether

or not Officer Powers is capable or competent or has the competency to withstand a Hearing before this Commission. He said if they are here to say that he is not, the the Commission would make a finding based upon that testimony.

Mr. Jeffers said he would accept the position as stated by Commissioner Giraudo and said he would move forward. He said although they are going to present testimony, he believes there is other relevant testimony to this issue that they are not able to present tonight because of the time frame within which the Hearing is being held. He said one Clinician who is familiar with Officer Powers situation is simply not available tonight. He said he believed that there are relevant medical reports that they simply have not been able to obtain though they have been requested as it often times take a considerable amount of time. He said the evidence that they are able to present tonight will in fact demonstrate that Officer Powers is in fact incompetent to stand trial.

Mr. Gash said the problem he has with that is if the Commission rules against Mr. Jeffers it will leave it open for another argument saying that he hasn't submitted to the Commissioners all of the material for them to make that decision. He said it would seem that if the Commission is going to make a decision all of the information should be before it at the time it make its decision.

Commissioner Giraudo said with that in mind he wanted to make sure that Mr. Jeffers is given the opportunity to present his best evidence before the Commission. He said the urgency to hear this matter has to do with earlier discussions regarding issues he and Mr. Jeffers has discussed.

After further discussion the Commission on motion by Commissioner Nelder continued this matter to 4:00 p.m. on July 27, 1988.

RESOLUTION NO. 1287-88

DECISION ON REQUEST FOR STAY OF ACTION ON THE HEARING OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND STATION

WHEREAS, the decision on request for Stay of Action on the hearing of disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, was called it having been continued from the meeting of June 29, 1988; and

WHEREAS, because of the need to have all necessary written and verbal testimony available in regards to Officer Power's competency, the Police Commission with concurrence by Attorney Clifton R. Jeffers, continued the meeting to July 27, 1988; therefore be it

RESOLVED, that the decision on request for Stay of Action on the hearing of disciplinary charges filed against Officer Jean J. Powers, Richmond Station, is continued to Wednesday, July 27, 1988 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1288-88

HEARING OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND STATION

WHEREAS, the hearing on disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, was called it having been continued from the meeting of June 29, 1988; and

WHEREAS, the matter of the Stay of Action on Officer Power's hearing was set for July 27, 1988, the outcome of which determines the setting of the date of a disciplinary hearing on Officer Jean J. Powers; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, is continued to Wednesday, July 27, 1988 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE AND THE POLICE COMMISSION FOR THE MAYOR AND THE BOARD OF SUPERVISORS TO INCREASE BY $19,210,687 THE MAYOR'S BUDGET SUBMITTED TO THE BOARD OF SUPERVISORS FOR THE POLICE DEPARTMENT FOR FISCAL YEAR 1988-89, PER CITY CHARTER SECTION 6.205

Deputy Chief Casey said the Budget as presented by the Mayor to the Board of Supervisors including language on Proposition K and if Proposition K did not pass certain cuts were going to be made in the Police Department. He said Proposition K did not pass and the Mayor has announced that he does not want to layoff 160 police officers and is going to take other measures but in order to get those positions back into the budget the Department has to submit this request. Commissioner Nelder said he would move approval, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1282-88

REQUEST OF THE CHIEF OF POLICE AND THE POLICE COMMISSION FOR THE MAYOR AND THE BOARD OF SUPERVISORS TO INCREASE BY $19,210,687 THE MAYOR'S BUDGET SUBMITTED TO THE BOARD OF SUPERVISORS FOR THE POLICE DEPARTMENT FOR FY 1988-89

WHEREAS, the Police Department submitted to the Mayor an austere budget in the amount of $195,455,998, and;

WHEREAS, the Mayor cut $33,652,578 from the Police Department's request, and;

WHEREAS, the Finance Committee of the Board of Supervisors cut $530,535 from the Police Department's request, and;

WHEREAS, such cuts, from an already austere budget, will gravely negatively impact on the Police Department's abilities to perform its duties to the residents of, and visitors to the City and County; be it therefore

RESOLVED, that the Police Commission strongly urges the San Francisco Board of Supervisors to support the Mayor's revenue package, and; be it further

RESOLVED, that pursuant to Charter Section 6.205, the Police Commission recommends that the Mayor request the Board of Supervisors to restore the additional expenditures reflected in the Mayor's Supplemental Budget (attached), and; be it further

RESOLVED, that the Police Commission urges the Board of Supervisors to approve the increases reflected in the Mayor's Supplemental Budget.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1289-88

HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been set for this date; and

WHEREAS, it was requested by the Police Commission, with the concurrence of Mr. J. W. Conroy, Attorney at Law representing Officer Haggett, that the date for the hearing be continued to November 2, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, is continued to Wednesday, November 2, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

The hearing of the disciplinary charges against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been set for this date. Police Officer John A. Haggett was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer John A. Haggett appeared in person and was represented by Mr. J. William Conroy, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. J. William Conroy for the Defense. He admitted to Subsections (1), (2) and (3) of Specification No. 1 on behalf of his client, Officer Haggett.

The following witness appeared for the Prosecution, was sworn and testified:

Mr. James Tahsini, Safeway - Diamond Heights

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Copy of Statement Form written by James Tahsini, 5/31/88

Exhibit #2 Color photo of facial area of James Tahsini

The following exhibit was entered into evidence by the Defense:

Exhibit A Color photo of James Tahsini

The hearing was then continued to Wednesday, July 13, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The meeting, thereafter, was adjourned at 8:40 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JULY 13, 1988 Minutes CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 13, 1988 at 1700 hours in Closed Session.

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Commissioner Nelder presiding.

1. Attorney-Client Conference.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

JULY 13, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 13, 1988 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF APRIL 13, 1988

Approval of Minutes of Meeting of April 13, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1317-88

FRANCES PEAVEY vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frances Peavey in the sum of $3,500.00 in Superior Court No. 886-653 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 29, 1987

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1319-88

HERBERT ADOLPH vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made in Herbert Adolph vs. City and County of San Francisco in Small Claims Court No. 476-943 in the total amount of $511.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 7, 1987

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1318-88

ZIPPORAH M. URBAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zipporah M. Urban in the sum of $536.00 as the result of loss of property be, and the same is hereby approved.

Date of Incident: October 1, 1987

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1320-88

GEORGE H. KNIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George H. Knight in the sum of $479.55 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 22, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder advised that the Police Commission had met this afternoon in Executive Session in an Attorney Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

There were no public comments made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said the only item that he would like to bring up, and it could be tabled until later in the meeting, and that is Deputy Chief Willis Casey is attending, at the present time, a Board of Supervisors Meeting going over the Department's Budget process. He said he would like to be able to report the results of that meeting when Deputy Chief Casey returns to this meeting tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said he too had attended the Budget meeting this afternoon at the Finance Committee along with Mr. Dan Silva who also will be returning shortly. He said one item of note

is that they (Finance Committee) have asked for a Supplemental from the OCC of approximately 85,000 dollars ($85,000.00) so that they can add the two additional senior investigators into the unit by January. He said the second item he had was kind of a happy item for him and this was during an investigation where a San Francisco Police Department Officer conducted himself in a manner that far exceeded what he believed the Officer was capable of doing. He said this was Officer Matthew Krimsky who received a call of a stabbing and while enroute to the call he was also tranporting a prisoner. During this time, the Officer stopped an Ambulance Crew, informed them of the call and asked them to follow him to the scene of the stabbing. Director Langer said Officer Krimsky assisted them in trying to stabilize the victim as he was previously a paramedic and had had some training along these lines. The Director said the Officer then drove the ambulance to the hospital so that the paramedics could continue to administer first-aid to the subject but unfortunately the victim expired. He said he felt it was important and had written the Chief a letter asking the Chief to commend the Officer for a job well done. Director Langer said he felt it was very befitting and certainly a compliment to the fine officers of the San Francisco Police Department.

Chief Frank Jordan said the Department is currently pursuing that now through the Officer's Commanding Officer and the report from the Office of Citizen's Complaints. He said the Department does appreciate this recognition very much.

Commissioner Medina at this time said he would like to commend Mr. Langer and Mr. Silva for their presentation to the Latino Democratic Club. He said he felt they handled that very well and that it was very informative.

HEARING ON APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF THE JITNEY BUSES

Sergeant Gary Manini, Code Enforcement Section, said tonight was to be the first hearing on Jitney Public Convenience and Necessity (PC&N) but since the Commission has asked for a study of the Jitney Industry and its standing at this time, the Code Enforcement Section would like to recommend that the PC&N Hearing be continued over until August 31 or until the study has been completed and the Commission has had a chance to review it and make their determination based on current and accurate information. The matter, on motion by Commissioner Medina and seconded by Commissioner Lee, that it be placed off calendar until the completion of the study, was unanimously approved.

RESOLUTION NO. 1316-88

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF JITNEY BUSES

WHEREAS, the request of the Chief of Police for a hearing on applications for certificates of Public Convenience and Necessity for the operation of jitney buses was called, it having been scheduled for this date, and

WHEREAS, the following are current applications for Jitney Bus Medallions:

Inghelram, Thomas J.	Reyes, Diosdado S.
DeGuzman, Cirilio M. Jr.	DelaCruz, Eduardo A.
Cabahit, Leonilo S.	Raymundo, Danilo H.
Vasquez, Jose A.	San Juan, Miguel V.
Jung, Edmund L.	Pumpetch, Boonsathien
Panggabean, Jasimar	DeGuzman, Carlito N.
DeGuzman, Alberto	Patjawee, Siripong
Lew, Harvey	Phanthavong, Sakchay

WHEREAS, the Police Commission requested that the hearing be continued to conduct a study as to public convenience and necessity for insurance requirements, relationships to other vehicles for hire, and pertinent matters relating to the jitney industry; therefore be it

RESOLVED, that the hearing on Public Convenience and Necessity for additional jitney permits will be continued off calendar and will be rescheduled upon completion of the Permit Section report and findings on the above-stated items.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

HEARING ON APPLICATION OF RICHARD MIRON FOR THE POSITION OF PATROL SPECIAL OFFICER - CLOSED SESSION (PERSONNEL MATTER)

Mr. Richard Miron appeared in person and without representation on his behalf. Lieutenant Jim Tedesco appeared on behalf of the Personnel Division. Mr. Richard Miron was advised that the Department's recommendation to the Commission was negative as far as his being appointed as Patrol Special Officer. There was also the question of his age as Section 3.536 of the Charter of the City and County of San Francisco describes as one of the qualifications to become a Patrol Special for the City and County that the person must be at least 21 years of age and not more than 40 years of age. A background investigation check has revealed that Mr. Miron's employment as a police officer for the City of Richmond, California resulted in his failure to complete their requirements for certification because of poor judgement and inability to cooperatively interact with the citizenry. Mr. Miron offered mitigating circumstances to the negative information received from the Richmond Police Department and asked for a continuance to allow him to obtain additional documents revealing the truth of the matter in his employment with the Richmond Police Department. The Commission also moved for a continuance to accomodate Mr. Miron's request and to seek an opinion from the City Attorney regarding Section 3.536 of the Charter and its age qualifications. The matter was then on motion by Commissioner Medina and seconded by Commissioner Lee, continued for two weeks to allow for these matters to be obtained and considered at that time by the Commission.

RESOLUTION NO. 1315-88

HEARING ON APPLICATION OF RICHARD MIRON FOR THE POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called, it having been continued from the meeting of July 6, 1988; and

WHEREAS, it was requested by the Police Commission that the matter be continued for two weeks to allow for the opinion of the City Attorney; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, July 27, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

The hearing of the disciplinary charges against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been continued from the meeting of July 6, 1988.

Police Officer John A. Haggett appeared in person and was represented by Mr. J. William Conroy, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses appeared for the Prosecution, were sworn and testified:

Mr. Lamons Cook, Hyatt Hotel, Union Square
Ms. Kelly McManus, Safeway
Mr. Paul Fiol, Safeway

The following exhibit was entered into evidence by the Prosecution:

Exhibit #3 Incident Report #870603781, 5/30/87

The following witnesses appeared for the Defense, were sworn and testified:

Mr. Allen Houston, Officer of Citizen Complaints
Sergeant Charles Siani, Ingleside Station
Officer John A. Haggett, Warrant Bureau

The following exhibit was entered into evidence by the Defense:

Exhibit B Audio Tape of Statement of Dawn Prince Interview, 8-5-87

Exhibit C Break Type Basketweave Holster

The hearing was then continued to Wednesday, July 20, 1988 at 5:45 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

The meeting, after observing a moment of silence in memory of Police Officer Lester Garnier, was adjourned at 9:47 p.m..

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4378M

JULY 20, 1988 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 20, 1988 at 1600 hours in a Special Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

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MEDAL OF VALOR AWARDS CEREMONY

COMMISSIONER GIRAUDO: "Good Evening Ladies and Genetlemen, I am Commissioner Louis Giraudo, President of the Police Commission. We are indeed very grateful that you were able to come here tonight and share with us in honoring the many heroic officers at this Meritorious Conduct Awards Ceremony. We hope you will enjoy yourselves and that you will return to your homes with pleasant recollections of what you have seen and heard here.

Below named Officers were then presented Awards:

BRONZE MEDAL OF VALOR

Lt. Roy C. Hicks
Sgt. Michael Lawson
Officer Siobhan Balmy
Officer Daniel Greely
Officer Garret Tom
Officer Heinz Hofmann
OFficer John M. Kowal
Officer Alan F. Hom
Officer Steve Quon
Officer Reno Rapagnani
Sgt. Wayne Smith
Sgt. James B. Hall
Officer Edward Ellestad
Officer Kurt Schneider
Officer John Lewis
Officer Anthony H. Johnson
Officer William A. Tercero
Officer John Garrity
Officer Edward Dullea
Officer William Taylor

MERITORIOUS CONDUCT AWARD

Sgt. David Roccaforte
Insp. Edmond Paasche
Insp. Clifford Tawney
Officer Patrick Sullivan
Officer Kevin Dempsey
Officer Eric Quema
Insp. Robert Rogers
Insp. Alban Weatherman
Insp. Thomas Vigo
Officer Thomas Buckley
Officer Louis Espinda

JULY 20, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, July 20, 1988 at 1730 hours in Closed Session.

Commissoier Giraudo presiding.

1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

JULY 20, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 20, 1988 at 1745 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said the Finance Committee met last Wednesday and approved the additional funding for the OCC so that they would be able to increase their staff to sixteen (16) people. He said he will now be coming to the Commission with a new organizational chart. He said another item to report was that the OCC had received a complaint while he was speaking to the Democratic Latino Club last week. They interviewed the complainant who came to the OCC but could not identify OCC personnel whom he had complained about. He said they wanted to fully investigate the complaint but was unable to do so as they were not able to find or identify the subject. He said the third and last item is that Commissioner Gayle Orr-Smith requested that the OCC submit reports in response to recommendations made from different groups who had studied the OCC over the past years. He said three (3) weeks ago they submitted three reports to the Commission and stated at that time that on or about July 20th, 1988 he would issue a progress report. He said he is now happy to say they have completed the progress report and he now has copies for the Commission. He said he would request that this matter be calendared for next week's meeting for Public Discussion.

Mr. John Crew said that one of the things he had planned under the Public Comments Section was to give the Commission an update on the Police Officers Association's (POA) Petition for a re-hearing in the Court of Appeals case on the OCC Hearing Rules. And late last week, he said, they found out that the Court of Appeals denied the POA Petition so now the OCC Hearing Rules with some very minor exceptions are legal.

HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

The hearing of the disciplinary charges filed against Police Officer John A. Haggett, Criminal Information Division, Warrant Bureau, was called it having been continued from the meeting of July 13, 1988. Police Officer John A. Haggett was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer John A. Haggett appeared in person and was represented by Mr. J. William Conroy, Attorney at Law.

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Police Officer John A. Haggett be suspended for ninety (90) days.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1322-88

DECISION - HEARING OF POLICE OFFICER JOHN A. HAGGETT, CRIMINAL INFORMATION DIVISION, WARRANT BUREAU

WHEREAS, on February 16, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer John A. Haggett; and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

(1) At all times herein mentioned, John A. Haggett, Star No. 16, (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Criminal Information Division - Warrant Bureau;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about May 30, 1987, at approximately 2345 hours, the accused responded to the parking lot of a shopping center located at 5298 Diamond Heights Boulevard;

(4) While in the parking lot, the accused observed a minor exiting the store with a duffle bag. The accused asked the minor for his identification and to look in the duffle bag and the minor refused.

The accused again asked the minor for his identification and to look into the bag. The minor provided the accused with his driver's license, but refused to allow the accused to look in his bag which contained two six-packs of beer;

(5) On or about May 30, 1987, at approximately 2355 hours, when the minor refused the accused's second request to look into the bag, the accused grabbed the minor and threw him on the hood of the accused's patrol vehicle. The accused then struck the minor in the face at least two (2) times with his hand. The accused also, while holding the minor with one hand, reached down to his holster and unbuckled his firearm, removed his firearm from his holster and struck the minor with his firearm on the right side of the face. The minor was subsequently arrested and transported to Ingleside Station;

(6) The accused, by striking a minor in the face at least two (2) times with his hand and unbuckling his firearm and striking the minor in the face with his firearm without cause while making an arrest on or about May 30, 1987, at approximately 2355 hours, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WEHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, July 6, 1988, Wednesday, July 13, 1988 and Wednesday, July 20, 1988, and on Wednesday, July 20, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer John A. Haggett are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty]
90 days suspension

and be it further

RESOLVED, that said suspension of ninety (90) calendar days is to be imposed commencing Thursday, July 21, 1988 at 0001 hours and ending Tuesday, October 18, 1988 at 2400 hours. Upon completion of his suspension, he shall receive two weeks of retraining at the Police Academy at the convenience and time specified by Deputy Chief Willis Casey on the subject of techniques of arrest.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

Recesses taken during the hearing of Officer Haggett:

6:27 p.m. to 6:55 p.m.
6:58 p.m. to 7:13 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DANIEL BAKER, POTRERO STATION

Mr. Michael Gash, Attorney for the Department, said at about 4:05 p.m. Officer Baker contacted his office and left a message that he would be checking into some sort of Alcoholic Abuse Program. He said the Officer told him that the program would be at Fort Miley. He said the office (Management Control) sent Sergeant Hardeman out there to verify this but was unable to do so. Mr. Gash said he would suggest that the Commission re-schedule this matter for August 10th. Commissioner Medina then moved to have the matter continued to August 10, 1988, Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1323-88

HEARING OF POLICE OFFICER DANIEL BAKER, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Daniel Baker, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Daniel Baker be rescheduled to August 10, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Daniel Baker, Potrero Station, is reset for Wednesday, August 10, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioner Nelder

RESOLUTION NO. 1321-88

NOTIFICATION AND FILING OF CHARGES AGAINST SERGEANT ANTHONY A. DEL ZOMPO, TARAVAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Anthony A. Del Zompo, Taraval Station, as follows:

SPECIFICATION NO. 1

Creating an intimidating hostile or offensive working environment for female officers and engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section I.B.c of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Making derogatory racial comments and engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section II A.3.b of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department;

SPECIFICATION NO. 3

Failure to answer questions asked by the Management Control Division truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Sergeant Anthony A. Del Zompo, Taraval Station, is scheduled for Wednesday, July 27, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

APPROVAL OF MINUTES OF MEETING OF APRIL 27, 1988

Approval of Minutes of Meeting of April 27, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1324-88

RONALD SOUZA vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald Souza vs. City and County of San Francisco, et al in the sum of $33,000.00 in U.S. District Court No. C87-5262 SAW as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 7, 1986

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1325-88

SUSAN WAGNER, LINDA STERLING vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda Sterling in the amount of $6,000.00 in Superior Court No. 870-513 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 6, 1986

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1326-88

EILEEN EDWARDS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eileen Edwards in the amount of $4,900.00 in Superior Court No. 887-404 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 2, 1987

AYES: Commissioners Giraudo, Lee, Medina, Orr-smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1327-88

JONES TOWING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jones Towing in the sum of $155.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1328-88

DAVID LEE TATE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Lee Tate in the sum of $155.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1329-88

THE CITY TOW (ROBERT NACADAH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Robert Nacadah) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1330-88

THE CITY TOW (LUCINDA M. MILLES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Lucinda M. Milles) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1331-88

THE CITY TOW (RICHARDO RAMIREZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Richardo Ramirez) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1332-88

LUXOR CAB CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cab

Company in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1333-88

THE CITY TOW (JOHN BALATI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (John Balati) in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1334-88

JOSEPH ZYCHERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Zycherman in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1335-88

NORA JACQUES RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nora Jacques Rodriguez in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1336-88

SOCORRO MENDIOLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Socorro Mendiola in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1337-88

THE CITY TOW (PETER A. FRIEND)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Peter A. Friend) in the sum of $145.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1338-88

THE CITY TOW (BILLIE JEAN WALL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Billie Jean Wall) in the sum of $140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1339-88

JOSEPH PORCORO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph Porcoro in the sum of $140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1340-88

ANDREW G. HAWKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew G. Hawke in the sum of $140.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1341-88

THE CITY TOW (MARY ANN MEANY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow

(Mary Ann Meany) in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1342-88

THE CITY TOW (JULIO MANUEL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Julio Manuel) in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1343-88

OLETHA HUNT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Oletha Hunt in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1344-88

MARIO M. McCARTHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mario M. McCarthy in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1345-88

NANCY G. ROSENTHAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy G. Rosenthal in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1346-88

DAVID BURNS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Burns in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date: May 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1347-88

SHELLEY A. LORENZEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shelley A. Lorenzen in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smityh
ABSENT: Commissioner Nelder

RESOLUTION NO. 1348-88

CURTIS FUNKHOUSER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Curtis Funkhouser in the sum of $120.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1349-88

THE CITY TOW (STEVE KOENING)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Steve Koening) in the sum of $115.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1350-88

THE CITY TOW (ROY STINNETT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Roy Stinnett) in the sum of $115.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1351-88

DAVID BRACKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Bracker in the sum of $115.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1988 (stolen)
May 22, 1988 (recovered)

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1352-88

KEN PRESTING (BY VICTORIA BERDON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ken Presting (By Victoria Berdon) in the sum of $102.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1988 (stolen)
April 24, 1988 (recovered)

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1353-88

THE CITY TOW (MARIA G. BUENDIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Maria G. Buendia) in the sum of $102.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1354-88

THE CITY TOW (REGINA M. ANTHONY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Regina M. Anthony) in the sum of $102.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1355-88

THOMAS J. CONNOLLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas J. Connolly in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1356-88

STEVEN M. McCALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven M. McCall in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1357-88

RICHARD MORA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Mora in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1358-88

WILLIAM PEREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Perez in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1359-88

THOITS INSURANCE SERVICE, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thoits Insurance Service, Inc. (Insured: Jack L. Montgomery) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1360-88

VIRGINIA BENAVIDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Virginia Benavidez in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1361-88

SUSAN B. FOSTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan B. Foster in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1362-88

ROSA ISELA HERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosa Isela Hernandez in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1363-88

CHERYL A. LITTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cheryl A.

Little in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1364-88

WILLIAM (BRITTON) PYLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William (Britton) Pyland in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1365-88

CHRIS SPEAKMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Speakman in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1366-88

JOHN HERMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Hermes in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1367-88

ORLA Mac SWEENEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Orla Mac Sweeney in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1368-88

LI HSU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Li Hsu in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1369-88

STEVEN B. STOKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven B. Stokes in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1370-88

MICHAEL PLATITSOL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Platitsol in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1371-88

ELDON M. BRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eldon M. Bright in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1372-88

CLIFFORD SKOOG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clifford

Skoog in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1373-88

MICHAEL SHANNON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Shannon in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1374-88

ELENA MONTEFIERRO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elena Montefierro in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1375-88

FAYRENE F. LITTLE

RESOLVED, tha the recommendation of the City Attorney for settlement of the claim of Fayrene F. Little in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smtih
ABSENT: Commissioner Nelder

RESOLUTION NO. 1376-88

ALFREDO MARTINEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfredo Martinez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1377-88

MODESTO HERNANDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Modesto Hernandez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1378-88

FEI-LI KUO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fei-Li Kuo in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1379-88

ZHEN CHAO PENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zhen Chao Peng in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1380-88

MICHAEL ALEXANDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Alexander in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of incident: January 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1381-88

FUNG-MAY CHAN

RESOLVED, that the recommendation of the City Attorney for settlement in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1382-88

LESLIE GREY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie Grey in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1383-88

DAVID FARAHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Farahi in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1384-88

JAMES W. HAAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James W. Haas in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1385-88

DESANNE VAUGHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Desanne Vaughan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1386-88

SOHAN LAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sohan Lal in the sum of $80.00 as result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1387-88

LESLIE SILBERHANS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie Silberhans in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1388-88

ERIC McDOUGALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric McDougall in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1389-88

CORNELIA B. MARILL RYAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cornelia B. Marill Ryan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1390-88

CLARE P. WALSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clare P. Walsh in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1391-88

JOAN BLACKMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Blackmon in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1392-88

CHRISTIAN A. TERFLOTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christian A. Terfloth in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1393-88

JANET V. MORALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janet V. Morales in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1394-88

DAVID B. OWEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David B. Owen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1395-88

DARCY HANSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darcy Hansen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1396-88

KELLEE CANNIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kellee Cannis in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1397-88

HELEN SIMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helen Simon in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1398-88

JOSE HERNAN PACHECO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose Hernan Pacheco in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1399-88

KELLY D. KOHLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kelly D. Kohls in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1400-88

ASIF A. GODIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Asif A. Godil in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1401-88

GIN MOON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gin Moon in the sum of $70.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1402-88

AIMEE TSAO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aimee Tsao in the sum of $50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7 through June 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session this date on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

No public comments.

REQUEST FOR HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SERGEANT JAMES STRONG, POTRERO STATION

Mr. Michael Gash, for the Department, said the Department's position is that Sergeant Strong is not entitled to a Hearing as he did not file his appeal in a timely fashion. Mr. Gash said the suspension was served on June 1st and the letter from the Chief is very clear that written notice of appeal must be filed with the Secretary of the Police Commission in Room 505 within ten (10) days and Sergeant Strong's request was just received last week.

Commissioner Giraudo said since Sergeant Strong is not present today he should be notified to show up next week in order to present mitigating factors to the Department's opposition. Commissioner Orr-Smith said she would make that motion and Commissioner Lee seconded, it was then unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one item to report and that was from last week when Deputy Chief Willis Casey went to the Board of Supervisors on the Department's Budget. He said it was stressed at that time the Department did not have anything else to cut out and so they didn't. He said, however, the Department is still concerned about minimum amounts of overtime, no vehicles and no civilian or sworn personnel additions this year in the Department's budget. He said the Department will have to be very careful with its spending throughout the Fiscal Year.

The meeting, thereafter, was adjourned at 7:25 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JULY 27, 1988 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 27, 1988 at 1600 hours in a Special Meeting.

Commissioner Giraudo presiding.

DOCUMENTS DEPT.

OCT 25 1988

SAN FRANCISCO PUBLIC LIBRARY

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

REQUEST FOR STAY OF ACTION ON THE HEARING OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND STATION

The hearing on decision on request for Stay of Action on the disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, was called it having been continued from the meeting of July 6, 1988.

Police Officer Jean J. Powers did not appear but was represented by Mr. Clifton Jeffers, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witness was called by Mr. Clifton Jeffers:

Dr. Carolyn B. Block, Clinical Psychologist

The following exhibits were entered into evidence by the Defense:

Exhibit A — Letter form Dr. Paul B. Carlat, 7/21/88, re Officer Jean Powers

Exhibit B — Letter from Dr. Carolyn B. Block, 7/5/88, re Officer Jean Powers

Exhibit C — Declaration of Deputy City Attorney Jeffrey L. Bornstein re Officer Jean Powers, 7/26/88

Exhibit D — Psychiatric Evaluation Report of Dr. Lawrence R. Ephron, 2/24/88, re Officer Jean J. Powers

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1410-88

DECISION ON REQUEST FOR STAY OF ACTION ON THE HEARING OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND STATION

WHEREAS, a hearing on the decision on request for Stay of Action on the disciplinary charges filed against Police Officer Jean J. Powers was held before the Police Commission on Wednesday, July 27, 1988, and on Wednesday, July 27, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, it is the findings and decision of the Police Commission that Officer Jean J. Powers is incompetent to stand trial at this time; and be it further

RESOLVED, that the request for Stay of Action on the hearing of disciplinary charges filed against Officer Jean J. Powers be recalendared in 90 days; therefore be it

RESOLVED, that the decision on Stay of Action on the hearing of disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, is set for a status report on Wednesday, October 26, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

Recess taken during the hearing on Staty of Action on the hearing of Officer Jean J. Powers:

6:20 p.m. to 6:27 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

RESOLUTION NO. 1411-88

HEARING OF DISCIPLINARY CHARGES FILED AGAINST OFFICER JEAN J. POWERS, RICHMOND STATION

WHEREAS, the hearing on disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, was called it having been continued from the meeting of July 6, 1988; and

WHEREAS, it was the findings and decision of the Police Commission on the matter of the request for Stay of Action of Officer Power's hearing that Officer Jean J. Powers is incompetent to stand trial; therefore be it

RESOLVED, that the hearing of disciplinary charges filed against Police Officer Jean J. Powers, Richmond Station, is continued to Wednesday, October 26, 1988 at 5:30 p.m. in Room 551, Hall of Justice, when a status report is scheduled on the Stay of Action on the hearing of disciplinary charges filed against Officer Powers.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

JULY 27, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 27, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF MAY 4, 1988

Approval of Minutes of Meeting of May 4, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1412-88

SUSAN FIGUEIREDO vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Figueiredo in the amount of $90,000 in Superior Court No. 829-951 entitled "Susan Figueiredo vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 18, 1983

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1413-88

THE CITY TOW (DIXON J. SIEDER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Dixon J. Sieder) in the sum of $1,310.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1988
Waiver Date May 9, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1414-88

WILLIAM MONTOYA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Montoya in the sum of $650.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 27, 1987

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1415-88

ANN S. MAHONEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann S. Mahoney in the sum of $175.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1416-88

PEGGY CHIANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peggy Chiang in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 9, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1417-88

DOUGLAS FREEMAN, JR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas Freeman, Jr. in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1418-88

PATRICK YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Yu in the sum of $120.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1419-88

ROSE M. NAHED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rose M. Nahed in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1420-88

FRANCIS TIMOTHY KOLOWITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francis

Timothy Kolowitz in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1421-88

PETER EISENBERGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Eisenberger in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1422-88

GERALD ALVERNAZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald Alvernaz in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioner Nelder, Orr-Smith

RESOLUTION NO. 1423-88

PAMELA GERK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela Gerk in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1424-88

IAN REID MAXWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ian Reid Maxwell in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1425-88

ROBERT DORENTREICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Dorentreich in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1426-88

DALE H. MARR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dale H. Marr in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1427-88

BRUCE L. DENSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce L. Denson in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1428-88

JEANNETTE E. MAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeannette E. May in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1429-88

PETER R. GEBHARDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter R. Gebhardt in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1430-88

LEE ANNE ARMSTRONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lee Anne Armstrong in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1431-88

THOMAS K. MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas K. Murphy in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1432-88

SUSAN SAYLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Sayles in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1433-88

HUGO VILLARREAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hugo Villarreal in the sum of $86.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unknown

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1434-88

THOMAS REX McCRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Rex McCray in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 17, 1987

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1435-88

ALLEN E. MEIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allen E. Meier in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1436-88

ROSS MORRISON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ross Morrison in the sum of $80.00 as a result of a faulty tow, be, and the same is herebey approved.

Date of Incident: June 21, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1437-88

SCOTT ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Anderson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1438-88

SUSAN BACKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Backer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1439-88

SANDRA SPIKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Spiker in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1440-88

ALBERT RINALDINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert Rinaldini in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1441-88

KENNETH P. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth P. Johnson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1442-88

SAM MILKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sam Milkes in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1443-88

KAREN P. RUEDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen P. Rueda in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1444-88

ROBERT S. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert S. Wong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1445-88

PHILIP SMOOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Smoot in the sum of $70.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1446-88

JOANNE P. CHASE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne P. Chase in the sum of $50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1447-88

HARNEY YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harney Yu in the sum of $45.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1448-88

JAMES SCANLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Scanlin in the sum of $45.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1449-88

ALEXANDER M. ESCOBAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexander M. Escobar in the sum of $15.00 as a reuslt of a faulyt tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that there is no Police Commission report for this evening.

(a) PUBLIC COMMENTS

No Public Comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan said he had a couple of comments to make and one of them had to do with a Press Release issued today regarding culmination of a 13-month "Sting" Operation in San Francisco which was operating on Mission Street. He said with the help of an Office of Criminal Justice Grant in the amount of $100,000 dollars provided to San Francisco Police Department and Daly City Police Department with 105 matching funds. They were able to arrest 153 suspects and there are still 27 warrants outstanding for additional suspects who were all involved in burglaries, thefts, purse snatches, pickpocketing and auto theft. He said 29 of the people in custody are career criminals with long criminal records and history of having problems with the Criminal Justice System. He said he felt it was an outstanding success as they recovered over one million dollars in property. He said he wanted to compliment the Sting Detail members, the Fencing Detail, the Investigative Units and the Daly City Police Department for an excellent cooperative effort.

The Chief said the last comment has to do with the on-going hospital strike effecting six of San Francisco's hospitals: Presbyterian, Children's, St. Francis, Mt. Zion, St. Mary's and Marshall Hale. He said each of them are being picketed with numbers as high as sixty (60) people. He said officers are assigned to each location and passing calls are being made on a periodic basis. He said there have been only two (2) incidents, one, where people have been cited for blocking the sidewalk and another, where there were slashing of tires. Commissioner Giraudo congratulated the Chief and the Department on the success of the "Sting Operation" and thanked him for the update on the report of the Hospital Strike.

Commissioner Lee said through the Chair he would like to mention to the Chief that he had read an article in the Chinese Newspaper regarding a statement made by San Francisco Inspector Daniel Foley. He said Inspector Foley was interviewed in Los Angeles on a TV program and spoke about gang problems in the Chinese Community. He said the Inspector indicated that all o the gangs in Chinatown are being controlled by the WAH CHING GROUP and has members from 14 to 15 years of age who participate in drug and illegal gambling and all kinds of other criminal activity. He said he felt that that might have been true 14 to 15 years ago but now everything is quiet and there are no problems at all. He said his question is whether the Chief authorized Police Inspector Foley to be interviewed on this subject by the Los Angeles TV Media (NBC) earlier this month.

Chief Jordan said that any of those TV appearances are always cleared through the Chief's Office but he would be very happy to check and see as Inspector Dan Foley is a very creditable Officer and he would certainly find out what statements were made and give the Commission a report back on exactly what happened.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said he had one item he was ready to make the report called for by Commission Orr-Smith and that the OCC will be hiring two new investigators and will becoming before the Commission next week with a new Re-Organization Chart.

PROGRESS REPORT - OFFICE OF CITIZEN COMPLAINTS

Commissioner Giraudo advised Mr. Langer that the Commission had received his report that Commissioner Gayle Orr-Smith had asked for but she is not here this evening. He said he believed that she may have some questions on it that she may ask Mr. Langer next week.

Director Langer said in light of the lateness of the hour and because of Commissioner Orr's absence he would respectfully request that the report be continued to next week's calendar for verbal disimination at that time. The matter was then continued one week.

RESOLUTION NO. 1403-88

SETTING OF DATE FOR HEARING OF CHARGES AGAINST SERGEANT ANTHONY A. DEL ZOMPO, TARAVAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant Anthony A. Del Zompo, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Sergeant Anthony A. Del Zompo be set for August 17, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Sergeant Anthony A. Del Zompo is set for Wednesday, August 17, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

REQUST FOR HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SERGEANT JAMES STRONG, POTRERO STATION

Mr. Michael Gash said this matter came on calendar last week and Sergeant Strong was not present. He said the Department is requesting that

this request not be honored and that it be denied because the Sergeant did not file his appeal in the proper fashion. Mr. Gash then presented a copy of the suspension letter sent to Sergeant Strong. This letter, sent May 17, 1988, he said, states in the last paragraph, "Please be advised that pursuant to Section 8.343 of the Charter of the City and County of San Francisco you have a right to appeal this suspension to the Police Commission. Written notice of appeal must be filed with the Secretary of the Police Commission in Room 505 of the Hall of Justice within ten (10) days after filing of the notice of appeal." He said Sergeant Strong who has been a Sergeant for quite some time did not comply and the Department feels that any request for an appeal at this date is not proper.

Ms. Barbara Pendergast who appeared on behalf of Sergeant Strong said that their position is that Section 8.343 of the Charter does not specify as to how the appeal should be filed it simply says that written notice must be filed within 10 days it doesn't say where it is to be filed or how it is to be filed. She said General Order A-1, Section 7 regarding Memorandum on communications states that all such memos are to be sent through the chain of command.

Mr. Gash said the Department had complied with General Order P-11, which is an order that all officers are supposed to be familiar with and in that order it tells of the procedure to follow and is outlined in the Chief's letter with a notice of suspension as stated above. Commissioner Giraudo said it seemed to him that Sergeant Strong was given proper notice as to what he should have done to effectuate an appeal so he would, if there were a motion to deny the appeal, vote to deny it. He said if there were a motion to allow the appeal he would also vote in favor to allow it in order to meet the quorum requirements but his own opinion is taht he did not meet the requirements.

Commissioner Medina said that at this point he was prepared to make a motion to hear the appeal given the fact that the Sergeant did notify his Captain. He said had the Sergeant taken no action whatsoever, then he would not vote to allow the appeal. Commissioner Lee said he would second that motion. The motion was then voted upon and unanimously approved.

RESOLUTION NO. 1409-88

REQUEST FOR HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SERGEANT JAMES STRONG, POTRERO STATION

WHEREAS, request was received from Police Sergeant James Strong, Potrero Station, for a Police Commission hearing on the appeal of suspension imposed on him by the Chief of Police; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension imposed on Police Sergeant James Strong, Potrero Station, is scheduled for Wednesday, August 24, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1405-88

RESETTING OF DATE FOR HEARING OF POLICE OFFICER ROWLAND WING, PARK STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing be reset for November 16, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Rowland Wing, Park Station, is reset for Wednesday, November 16, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1408-88

HEARING ON APPLICATION OF RICHARD MIRON FOR THE POSITION OF PATROL SPECIAL OFFICER

WHEREAS, the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer was called it having been set for this date; and

WHEREAS, the requested opinion from the City Attorney relating to Patrol Special Officers has not been received; therefore be it

RESOLVED, that the date for the hearing on the application of Richard Miron for the position of Patrol Special Officer is continued to Wednesday, August 17, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1406-88

RESETTING OF DATE FOR HEARING ON RECONSIDERATION OF DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER RONALD HOLLINS, SOUTHERN STATION

WHEREAS, the resetting of date for hearing on reconsideration of decision to sustain Chief's suspension imposed on Officer Ronald Hollins, Southern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Clifton Jeffers, Attorney at Law representing Officer Ronald Hollins, and by the Police Commission, that the date for the hearing in the matter of Officer Ronald Hollins be reset for November 9, 1988; therefore be it

RESOLVED, that the hearing on reconsideration of decision to sustain Chief's suspension imposed on Officer Ronald Hollins is set for Wednesday, November 9, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

RESOLUTION NO. 1407-88

RESETTING OF DATE FOR HEARING ON RECONSIDERATION OF DECISION TO SUSTAIN CHIEF'S SUSPENSION IMPOSED ON OFFICER JAMES D. JONES, SOUTHERN STATION

WHEREAS, the resetting of date for hearing on reconsideration of decision to sustain Chief's suspension imposed on Officer James D. Jones, Southern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, and agreed by Mr. Clifton Jeffers, Attorney at Law representing Officer James D. Jones, and by the Police Commission, that the date for the hearing in the matter of Officer James D. Jones be reset for November 9, 1988; therefore be it

RESOLVED, that the hearing on reconsideration of decision to sustain Chief's suspension imposed on Officer James D. Jones is set for Wednesday, November 9, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

HEARING OF POLICE OFFICER CLINTON COOPER, COMMUNICATIONS DIVISION

The hearing of the disciplinary charges against Police Officer Clinton Cooper, Communications Division, was called it having been set for this date. Police Officer Clinton Cooper was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to cooperate during the investigation of a citizen complaint by the Office of Citizen Complaints (violation of Rule I.B of General Order L-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the dpeartment or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Clinton Cooper appeared in person and was represented by Mr. Clifton Jeffers, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Clifton Jeffers for the Defense. He addressed all issues as defined in prosecution exhibits #1 through 5, asking that they be treated as motions by the Defense, with the request for ruling by the Commission on said motions.

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Letter from Mr. Jeffers to Commissioner Giraudo, 7/18/88, Re: Disciplinary Trial of Officer Clinton Cooper

Exhibit #2 Letter from Deputy City Attorney Hartinger to Attorney Clifton Jeffers, 7/21/88, Re: Disciplinary Trial of Officer Clinton Cooper

Exhibit #3 Letter from Mr. Jeffers to Commissioner Giraudo, 7/25/88, Re: Disciplinary Trial of Officer Clinton Cooper

Exhibit #4 Letter from Deputy City Attorney Hartinger to Attorney C. Jeffers, 7/26/88, Re: Disciplinary Trial of Officer Cooper

Exhibit #5 Charges against Officer Clinton Cooper, Specifications No. 1 - 4

The Commission, having taken into consideration Attorney Clifton Jeffer's request, entertained a motion by Commissioner Lee to deny Mr. Jeffer's motion and was seconded by Commissioner Medina and unanimously approved for denial.

At this time Mr. Jeffers indicated that he would seek redress in a higher forum. A motion was made by Commissioner Medina for continuance and was seconded by Commissioner Lee. The Police Commission then continued the matter for 60 days, advising Mr. Jeffers to be ready to proceed at that time.

The meeting was then adjourned and the hearing of the disciplinary charges against Police Officer

Clinton Cooper, Communications Division, was continued to Wednesday, October 12, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina
ABSENT: Commissioners Nelder, Orr-Smith

The Commission, thereafter, upon observing a moment of silence in honor of retired Police Inspector Wendell Tyree adjourned in respect to his memory.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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= Minutes

AUGUST 3, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 3, 1988 at 1700 hours in Closed Session.

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Commissioner Medina presiding.

1. Attorney-Client Conference

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

AUGUST 3, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 3, 1988 at 1730 hours in a Regular Meeting.

Commissioner Medina presiding.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

Commissioner Medina, Chairperson for the Commission Meeting tonight, at this time said that for tonight because of unfortunate and tragic circumstances prior to starting the meeting, the Commission will ask all those present to join with them and observe a moment of silence in memory of two San Francisco Police Officers who lost their lives within days of each other in the past week. He said Police Officer David Donnelly who served at Central Station died of natural causes and Officer James Bloesch assigned to the Mounted Police Unit was a victim of an unfortunate shooting accident. He said because of the loss of the two Officers in a very brief period of time the Commission will take this opportunity to observe a moment of silence in honor of their memory. Thereafter, the meeting commenced.

APPROVAL OF MINUTES OF MEETING OF MAY 11, 1988

Approval of Minutes of Meeting of May 11, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1455-88

IAVERY L. MORRISON vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Iavery L. Morrison in the amount of $12,750.00 in Municipal Court No. 933-923 entitled "Iavery L. Morrison vs.

City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1987

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1456-88

MARY BOILER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Boiler in the amount of $6,000.00 in Superior Court No. 856-039 entitled "Mary Boiler vs. City and County of San Francisco, et al" as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1985

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1457-88

IZOLA MARIE WHITESIDE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Izola Marie Whiteside in the sum of $1,002.01 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1458-88

CHARLES BUFF & KATA ORNDOFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles Buff and Kata Orndoff in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 5, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1459-88

WILVER E. AVELAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wilver E. Avelar in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 4, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1460-88

JAMES B. ROSENTHAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James B. Rosenthal in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1461-88

RADAMES A. ABARRIENTOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Radames A. Abarrientos in the sum of $123.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1462-88

STUART WEIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stuart Weil in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1463-88

THOMAS RUTHENBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Ruthenberg in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby apppoved.

Date of Incident: June 13, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1464-88

MARIA SANDOVAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria Sandoval in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1465-88

THOMAS W. BOSSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas W. Bosse in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1466-88

CHARLES W. JAEGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles W. Jaeger in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1467-88

SHEILA KRIGEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sheila Krigel in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 30, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1468-88

SAHLAN CHERPITEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sahlan Cherpitel in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: November 6, 1987

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1469-88

KENNETH E. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth E. Smith in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1987

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commisssioners Giraudo, Nelder

RESOLUTION NO. 1470-88

SERGIO CASTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sergio Castillo in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1471-88

DONATO R. LINARES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donato R. Linares in the sum of $20.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1988

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

POLICE COMMISSION REPORT

Commissioner Pius Lee, through the Chair, stated that he would like to suggest the Commission commence holding some Special Meetings in the various neighborhoods of the City. He said this would allow some residents of those neighborhoods to tell the Commissioners of some of the problems they are experiencing. He said he would let this be his motion before the Police Commission and he would request that the Chief of Police submit a Plan that would facilitate this action for the Police Commission's consideration. Commissioner Orr-Smith seconded the motion and it was unanimously approved.

(a) PUBLIC COMMENTS

Mr. John Crew said that he had two brief comments. First of all the ACLU would applaud the Commission for this significant step of holding some of its meetings in the neighborhoods as it is a very important move which he said he did believe that had not been done in about twelve (12) years. He said he felt it was important for Mayor Agnos' Commission to be available to those various neighborhoods in San Francisco. He said the main reason he wanted to speak is that last week there was a little bit of publicity about a possible "Zero Tolerance" policy being implemented by San Francisco Police Department in conjunction with the Federal Government and he had also heard it being described as a buyer discouragement problem and he was a little bit confused as to what the actual facets of that program would be and whether or not it will be implemented. He said the ACLU is concerned anytime there are penalties that are attemted to be applied without the "presumptions of innocence" and without the "beyond a reasonable standard of proof". He said the ACLU would like to request prior to any program being implemented in San Francisco that there be a Hearing before the Police Commission so there can be

a full airing of exactly what is planned and there can be public comments on it. Police Chief Frank Jordan said he would like to say that he has heard a great deal of comment in the News Media about this in the rumor stage but there have been no meetings scheduled in his Office about a "Zero Tolerance Drug Enforcement Program". He said what the Department is looking at is that anytime there are people who are selling drugs and there are buyers out there and if they are using vehicles in their transactions the Department will confiscate them or their homes if they are using their homes. However, he said, there is nothing on the drawing boards for the SFPD to be involved in a "zero based drug tolerance" in the fashion it has been brought here tonight.

Commissioner Medina advised Mr. Crew that the Commission thanked him for bringing this to their attention and promised to look into it further.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said that the only item he had is just to go over the dates of the services for the Officers recently deceased. Police Officer David Donnelly, Rosary, Thursday, 8:00 p.m., Riley's Funeral Parlor, 29th and Dolores and private burial service on Friday Morning with family members only.

Police Officer James Bloesch, Rosary, Thursday, 8:00 p.m., Church of the Blessed Sacrament at San Rafael and Service on Friday Morning at 11:00 a.m. at the same location 160 North San Pablo Road in San Rafael.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said that with the assistance of the Mayor's Office, the OCC was able to speed up their paper work in processing for new positions and they are also in the process of re-organizing the OCC. He said next week he would be bringing in the OCC's new Re-Organization Chart. He said Mr. Silva and himself began interviewing new applicants today and will continue throughout this week and next week. Hopefully, he said, their manpower shortage will soon be diminished.

PROGRESS REPORT - OFFICE OF CITIZEN COMPLAINTS

Director Michael Langer said at the request of Commissioner Orr a report was submitted to the Commission several weeks ago. He said he would briefly go over some of the points to tell the Commission just where the OCC stands at the present time. He said he would then answer any questions about the report the Commissioners may have at the conclusion of his presentation. He said the report begins with recommendations by Harvey Rose's Budget Analyst Report. In response he said Budget problem was resolved as he mentioned earlier by being allowed the additions of personnel that OCC needed. He then spoke of the Re-Organization and transferring of several people to various areas creating openings for new positions and promoting several people to Senior Investigator. He said as

of last week the OCC was 612 complaints in the hole. He said during a Mayor's meeting, Chief Frank Jordan had complained of not getting complaints on time and because of that it becomes very difficult to discipline officers. Mr. Langer said he felt that was a very valid complaint and they are working to see that the complaints are finished on time. He said he was notified today also that he had, as a result of another internal disciplinary issue, that an EEOC (Equal Employment Opportunity Center) complaint has been filed against him. He said continuing with the recommendations that there was a recommendation for an Account Clerk to be added to the Budget but it was deleted because of the Budget problems. He said a Case Review, Case Management recommendation initiated a change in the procedures that they now follow. He said with the new senior investigator they would be able to assign someone in this positon do this. He said Pro Bono Hearings were mentioned and the Bar Association has supplied OCC with a list of Hearing Officers who the OCC will be submitting to the Police Commission for the Commission's consideration shortly. He said recommendation for better relations with the SFPD is noted and two of the Divisions he deals with that gives him nothing but cooperation are the Management Control Division and Legal Division. He said as far as OCC maintaining the security of OCC files the files have been moved to the OCC Office and Police Legal comes over on a regular basis to pickup the cases that are being subpoenaed. He said recommendation that the OCC be independent of the SFPD and that is assured. He said separation of the Budget from the SFPD was not something that could be accomplished this year becasue of the complicated issues and such a large City Budget deficit. However, attempts he said, would be made for next fiscal year to accomplish this and is one of OCC's goals. He said OCC Orders are being brought before the Commission for Public Discussion prior to adoption by the Commission which is a recommendation that is now being followed. He said the recommendation that regular updates of the status of cases be given both to the complainant and the police officers is, he said, a good idea but, from a practical perspective, the OCC has over 1,500 complaints a year and many of those cases drag out for quite a while. He said it is very difficult to perform this task as they just don't have the staff to be able to accomplish it.

Commissioner Orr-Smith then said that she would really like for Director Langer to look into possibly figuring out a way that this could be accomplished. She said with 612 cases down people are waiting for months without word from the OCC as to what is happening and it is very distressing. Some of those cases, she said, involved use of force and injuries to complainants. The Officers are hanging in limbo, the citizens are also in a quandary, and all parties are hoping that what is happening will come to a timely completion. She said that area needs to be looked at a little more closely. She said to Mr. Langer that after he gets his Staff in place he must try and see if he can make that a priority as the public needs to have a timely response. Director Langer said that hopefully when the personnel is in place that it will help to speed up the process a little bit. The addition of thirty (30) new investigators would help tremendously to achieve this. After a brief further presentation, Mr. Langer said that he had made his report very brief and if the Commissioners, at this

time, had any questions he would be more than happy to respond. Commissioner Medina then thanked Director Langer for his report. Mr. John Crew then requested to be heard and upon acknowledgement, thanked Commissioner Orr-Smith for requesting this report from the OCC. He said the ACLU believes it is very important for any Department or agency to have some sort of planned review to see where it is going and what needs to be improved and what needs to be highlighted. He said this has never been done before with the OCC. He said there has never been a specific detailed systematic report of how the agency is going and intentionally or not, the Bar Association Report, the Mayor's Committee and the Management Audit have all created that framework. He said he might suggest that on the recommendations that haven't been implemented, perhaps the Commission would want to consider six months or nine months from now or whatever is appropriate for taking a look at this report again on the unimplemented recommendations. He said the ACLU is very heartened and enthusiastic that so many of these recommendations have already been implemented. Mr. Crew then went on to point out certain recommendations and clarify in his opinion what they meant i.e. page 11, item G, dealing with OCC recommendations and that they (ACLU) believe it is important for the Commission to follow to enhance its effectiveness and public confidence in the OCC. He said the last section, which they believe is in the area with all of their improvements, right now and where the OCC needs a little more emphasis is in Community Involvement. After Mr. Crew's presentation the Commissioners thanked Mr. Crew for his comments and called for the next item.

RESOLUTION NO. 1450-88

RESETTING OF DATE FOR HEARING OF POLICE OFFICER EDDIE L. COLEY, POTRERO STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Eddie L. Coley, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Eddie L. Coley be reset for November 30, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Eddie L. Coley, Potrero Station, is reset for Wednesday, November 30, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION DENY THE APPLICATION OF MR. YOSSEDEK DESTA FOR A MOTORIZED RICKSHAW PERMIT

Lieutenant Harlan Wilson, Permit Section, advised the Commission that this matter is one that had been continued over a six month period.

He said it was held off calendar to allow Mr. Desta to go before the Board of Supervisors to obtain approval of routes he intended to operate on. He said early on Mr. Desta had brought to the Commission a vehicle that he intended to use as a motorized rickshaw but under the Police Code the Permit Section looked at it evaluated it and as the Section of the Municipal Police Code (M.P.C.) states "1165.1. emphatically that the rickshaw must have a cloth hood over the rear seat area that shall resemble the hood of a traditional oriental jinrikshaw", and that he said, is not included in the diagram or on the vehicle that Mr. Desta had presented and therefore, did not qualify as a motorized rickshaw but would have to come under a sightseeing bus. Because he said it qualifies under the section for a sightseeing but, the routes and the fares had to be approved by the Board of Supervisors.

Mr. Yossedek Desta then addressed the Commission and said he felt the issue of the hood and the golf cart had all been decided. He then started to give a brief presentation of how he had come to be just where he is now with this matter, before the Commission, after two years.

The Commission after reviewing Mr. Desta's vehicle and listening to the obstacles he was facing decided to give him another six months to see if he could go back to the dealer from whom he purchased his vehicles and see if the Vehicles could be modified to come within the meaning of Section 1165.1 of the MPC.

RESOLUTION NO. 1451-88

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION DENY APPLICATION OF YOSSEDEK DESTA FOR A MOTORIZED RICKSHAW PERMIT

WHEREAS, the hearing on the application of Mr. Yossedek Desta for a Motorized Rickshaw Permit was continued from the meeting of January 14, 1988, and

WHEREAS, the Chief of Police made recommendation to deny a Motorized Rickshaw Permit to Mr. Desta, and

WHEREAS, Yossedek Desta appeared before the Police Commission and requested continuance in six months in order to redesign his motor vehicles' appearance in an attempt to make them comply with the description in Police Code Section 1165 which describes the Oriental Jinrikshaw; therefore be it

RESOLVED, that the application for a Motorized Rickshaw Permit by Yossedek Desta is continued for hearing in six months.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1452-88

HEARING ON COMPLAINT FOR SUSPENSION OF LIMOUSINE PERMITS HELD BY NOB HILL LIMO AND TOURS, LTD.

WHEREAS, the request of the Chief of Police for a hearing on the complaint for suspension of Limousine Permits L-0034, L-0035 and L-0036 held by

Nob Hill Limo and Tours, Ltd. was called, it having been scheduled for this date, and

WHEREAS, Police Officer Linda Flanders of the Code Enforcement Detail said, based on information just received, Nob Hill Limo and Tours, Ltd. appears to be a victim of an insurance scam regarding possible insurance fraud, forgery and grand theft, and

WHEREAS, it is currently being investigated by the District Attorney's Office, the Department does not now expect to take any punitivie action against Nob Hill Limo and Tours, Ltd. and request that it be taken off calendar; therefore be it

RESOLVED, that the hearing on complaint for suspension of limousine permits held by Nob Hill and Tours, Ltd. for violation of Municipal Police Code Section 1080.1 and California Vehicle Code Section 16500.5 will be continued off calendar.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

RESOLUTION NO. 1453-88

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT HELD BY ELITE TRANSPORTATION, INC.

WHEREAS, the request of the Chief of Police for a hearing on the complaint for revocation of Limousine Permit #L-0038 held by Elite Transportation, Inc. was called, it having been scheduled for this date, and

WHEREAS, investigation by the Code Enforcement Section reveals that the permit holder is in violation of Municipal Police Code Section 1080.1 (no proof of valid insurance) and California Vehicle Code Section 16500.5 (failure to supply proof of financial responsibility); and

WHEREAS, Mr. Milton Henke and his wife appeared before the Commission and presented evidence that Elite Transportation was in compliance with the above-cited codes, albeit notification of said compliance was not submitted to the Code Enforcement Detail in a timely manner; therefore be it

RESOLVED, that it is the order of the Police Commission that Elite Transportation, Inc. is hereby warned that any future violations of the Municipal Police Code 1080.1 and California Vehicle Code Section 16500.5 will result in severe and costly penalties imposed against Elite Transportation, Inc.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

REQUEST OF THE CHIEF OF POLICE FOR A POLICE COMMISSION RESOLUTION APPROVING EXCHANGE OF THE DEPARTMENT'S SURPLUS HANDGUNS FOR SPECIALIZED SHOULDER WEAPONS

Commander Isiah Nelson said the reason they (Commanding Officer Tactical and Range Master) requesting the Commission to adopt the Resolution before it, approving the exchange of Surplus

Handguns for necessary Shoulder Weapons to be used by the Police Department's Tactical Company. He said going back approximately two years ago the Tactical Company did a study of various weapons and determined that such weapons were needed for entry teams and critical incidents. He said because of budget restraints, the Department was precluded from directly purchasing the weapons but what it can do is trade the surplus handguns located at the Police Range for the weapons. Captain Bill Welch, commanding the Tactical Unit, also spoke of the need for these weapons and Sergeant Don Blaine of the Police Range explained the technical aspects of using the weapons. Some of the weapons used and recently confiscated to obtain weapons as mentioned in the trade. The Commissioners having asked pertinent questions and receiving answers to their questions and justifying the needs for making this trade, on motion by Commissioner Lee and seconded by Commissioner Orr-Smith unanimously approved the following resolution.

RESOLUTION NO. 1454-88

REQUEST OF THE CHIEF FOR APPROVAL OF EXCHANGE OF SURPLUS HANDGUNS FOR NEEDED SHOULDER WEAPONS

WHEREAS, the Department has an urgent need for specialized shoulder weapons and,

WHEREAS, the constraints on the FY 1988-89 inhibit our ability to purchase this equipment, and

WHEREAS, the Department has a surplus of handguns which would be accepted in exchange for the shoulder weapons; therefore be it

RESOLVED, that the exchange of the Department's surplus handguns for shoulder weapons at no expense to the City is approved.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

HEARING OF POLICE OFFICER MATTHEW J. McNAUGHTON, CENTRAL STATION

The hearing of the disciplinary charges against Police Officer Matthew J. McNaughton, Central Station, was called it having been set for this date. Police Officer Matthew J. McNaughton was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Matthew J. McNaughton appeared in person and was represented by Mr. James R. Clapp, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. James R. Clapp for the Defense.

An opening statement was made by Mr. Michael Gash for the Prosection.

The following witnesses appeared for the Prosecution, were sworn and testified:

Mr. Deric L. Torres, United Parcel Service
Mr. Tim Segru, Long's Drug Store, Serramonte

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Incident Report No. 870062886, 1/17/87

Exhibit #2 Medical Report of Deric Torres, San Francisco General Hospital

Exhibit #3 3-1/2 x 5 Color Photo of Deric Torres, showing right side of head

Exhibit #4 3-1/2 x 5 Color Photo of Deric Torres, showing back view of head

Exhibit #5 3-1/2 x 5 Color Photo of Deric Torres, showing close-up view of top of head

Exhibit #6 3-1/2 x 5 Color Photo of Deric Torres, showing right side of head from top

The following exhibits were entered into evidence by the Defense:

Exhibit A 8x10 Color Photo of Alley

Exhibit B 8x10 Color Photo showing left side of Alley

The hearing was then continued to Wednesday, August 10, 1988 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

(The entire proceedings were taken in shorthand form Ms. Linda Pransky, CSR.)

The meeting was thereafter adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4386M

≡Minutes

AUGUST 10, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 10, 1988 at 1700 hours in a Regular Meeting.

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Commissioner Medina presiding.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

HEARING OF POLICE OFFICER MATTHEW J. McNAUGHTON, CENTRAL STATION

The hearing of the disciplinary charges filed against Police Officer Matthew J. McNaughton, Central Station, was called it having been continued from the meeting of August 3, 1988. Police Officer Matthew J. McNaughton was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department);

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Matthew J. McNaughton appeared in person and was represented by Mr. James R. Clapp, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following witnesses appeared for the Defense, were sworn and testified:

Officer Matthew J. McNaughton, Company A
Officer Jeffrey C. Greenlaw, Company A
Lieutenant John Carlin, Company A

The following exhibits were entered into evidence by the Prosecution:

Exhibit C Memo from Lt. Carlin to Capt. J. Damon, Re: Broadway Task Force, 1/19/87

Closing statements were made by both Prosecution and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specificition No. 1 and Specification No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that for Specification No. 1, Officer McNaughton be given 30 days suspension, and for Specification No. 2, he serve 15 days suspension, to be served concurrently, to show for the record a total of 45 days suspension.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1472-88

DECISION - HEARING OF POLICE OFFICER MATTHEW J. McNAUGHTON, CENTRAL STATION

WHEREAS, on April 8, 1988, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Matthew J. McNaughton; and

WHEREAS, the Commission having heard the matter, makes the following findings of fact as set forth in the following charges:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Matthew J. McNaughton, Star No. 1493 (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department, assigned to the Patrol Bureau - Central Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about January 17, 1987, at approximately 0030 hours, a citizen and two friends were walking on Columbus Avenue near Gibb Alley. The citizen and his friends had open containers of beer in their possession. They observed a patrol vehicle containing the accused and Officer Jeffrey Greenlaw, Star No. 1405. Upon seeing the patrol vehicle, the three individuals began to run;

(4) On or about January 17, 1987, at approximately 0030 hours, the accused jumped out of his patrol vehicle and began pursuing, on foot, the three individuals into Gibb Alley;

(5) One of the three individuals jumped over a fence. The citizen and the other individual stopped at the fence. The citizen faced the fence with his hands above his head, grasping the links in the chain fence. The accused approached the citizen and struck the citizen in the head

with his flashlight. The citizen then put his hands down and the accused struck the citizen two (2) more times in the head with his flashlight;

(6) The citizen did not resist or attack the accused prior to being struck in the head with a flashlight three (3) times;

(7) The accused, by striking a citizen in the head three (3) times with his flashlight, without cause, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to report the use of force (violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department).

(8) The allegations contained in Specification No. 1, paragraphs (1) through (7), are incorporated by reference as if fully set forth herein;

(9) On or about January 17, 1987, at approximately 0030 hours, the accused, after chasing three citizens into Gibb Alley, struck one of the citizens with his flashlight three (3) times in the head;

(10) The accused did not make a report that he had struck a citizen in the head with his flashlight while attempting to arrest a citizen for drinking in public, on or about January 17, 1987, at approximately 0030 hours in Gibb Alley;

(11) The accused, by failing to make a report that he had struck a citizen in the head with his flashlight while making an arrest on or about January 17, 1987, at approximately 0030 hours, has engaged in conduct which constitutes a violation of Sections XII.A and XII.B of General Order F-4 of the San Francisco Police Department, which states:

"XII. REPORTING THE USE OF FORCE

A. Officers must report the use of the following types of force.

1. Physical strength when injury to the suspect results.

2. Liquid chemical agent (Mace).

3. The Department issued baton when the suspect is struck.

4. When the officer finds it necessary to strike a suspect with a fist, flashlight or any other item.

5. Carotid restraint.

B. In all cases in which any of the above types of force are used, an incident report will be prepared. The officer using the force will include the following elements in the text of the report.

1. The type of force used (e.g. mace, struck with fist).

2. A brief statement of the reason for the use of force (e.g. subject resisted arrest)..."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of

the City and County of San Francisco, on Wednesday, August 3, 1988 and Wednesday, August 10, 1988, and on Wednesday, August 10, 1988, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Police Officer Matthew J. McNaughton are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty] 30 days suspension, 15 days to be held in abeyance for one year

Specification No. 2 [penalty] 15 days suspension to be served concurrently

and be it further

RESOLVED, that said suspension of fifteen (15) calendar days is to be imposed commencing Thursday, August 11, 1988 at 0001 hours and ending Thursday, August 25, 1988 at 2400 hours. The fifteen (15) days held in abeyance for one year will be imposed if any violation occurs during that period.

AYES: Commissioners Lee, Medina, Orr-Smith
ABSENT: Commissioners Giraudo, Nelder

Recesses taken during the hearing of Officer McNaughton:

7:38 p.m. to 8:10 p.m.
8:10 p.m. to 8:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Ms. Linda Pransky, CSR.)

APPROVAL OF MINUTES OF MEETING OF MAY 18, 1988

Approval of Minutes of Meeting of May 18, 1988, the Commissioners having received, approved and returned copies of same.

(Commissioner Giraudo is now present.)

POLICE COMMISSION REPORT

Commissioner Giraudo said that there is no Police Commission report for this evening.

(a) PUBLIC COMMENTS

Mr. Russ Richaeda, Attorney with Carol, Burdick and McDonough, said he was representing Sergeant Anthony Del Zompo in a hearing before the Commission which is set for a week from now. He said he has come before the Commission to request a continuance. He said he understands that this is outside and is a variation from the regular procedures for these kinds of matters but that he still felt that it was appropriate to bring this issue to the attention of the Commission this evening, hopefully, to obtain some kind of guidance from the Commission this evening. He said as the Commission may or may not be aware that the date for this hearing was set relatively recent and he personally was not notified. He said he was not made aware of the case until July 28th. He said because of the seriousness of the charges he said he felt it will require a very detailed and time consuming hearing. He said some of charges date back to 1985 and it will obviously take a long period of time to reconstruct events of that time with what is occurring at the present time. He said the department must have taken a long time, a much longer time than he will have, to even prepare the Specifications. He said it is equally important to him to have the necessary time to do as equal and thorough job as the Department given the gravity and seriousness of the charges. He said the finality of it all is that they are discovering that witnesses are unavailable which is not surprising because this is the time of year when everyone takes vacations. He said they would hope that the Commission, if not able to take formal action on this request tonight will be able to give him some indication this evening about what it will do and take formal action next week.

Mr. Michael Gash, Attorney for the Department, went through a chronological sequence of how the charges were served on the Sergeant, July 14, 1988, and how they came first on the Commission Calendar

July 20th, 1988, for notification. He said on July 15, he was contacted by a representative of Sergeant Del Zompo and asked to provide Discovery. He said the representative picked up the Discovery on July 20th and it was turned over to the Sergeant. He said on July 27th the Commission had it on calendar for setting a date and an attorney did appear on behalf of Sergeant Del Zompo. He said he specifically asked that attorney the question as to whether the Sergeant would be here and prepared to go forward with the case and the attorney responded in the affirmative.

Commissioner Giraudo said he recalled the appearance of the attorney and the statement she made acknowledging that the date set was more than adequate. Commissioner Giraudo said he would be of the opinion to hear the matter as scheduled because of the seriousness of the allegations and because of the representation of counsel who appeared here on the setting of the date. Commissioner Orr said that for the record she would support that opinion.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he would like to give the Commission an update on the George Smoot case. He said it is still being processed by Management Control at his direction. He said he is now processing the case for development to be presented to the Commission. He said he felt it is a very high profile and sensitive case and the proper forum is to present it before the Police Commission. He said he hoped to have it before the Commission within the next week to ten (10) days.

Commissioner Giraudo said he was hoping to take a vacation in the next two weeks and he would like very much to be present when the Department makes the presentation with respect to the case because it is a very, very sensitive matter. He said in any case he would like to see it come back within three weeks but if the Department is ready to go before then he would like to be notified and he would make sure that he would return.

Chief Jordan said on another item he had was a request for information about the Wasserman Report. He said Bob Wasserman, as the Commission knows, was hired by the San Francisco Police Foundation to help the San Francisco Police Department put a study together, a five year action plan in terms of its future goals and objectives and prepare a blue print for its progress. He said Mr. Wasserman subsequently gave the Department a draft which was not a final copy and then he took a position as head of the Port Authority in Boston. The Chief said so now the Department has hired a Mr. Noel Day who is from Polaris, a Consulting Firm in San Francisco and has his office in China Basin Building, the Department is having difficulty having him find enough time to help the Department with it so they have decided the best thing to do is to expedite the whole process and they will have it resolved with Noel Day through Polaris and the SFPD within the next month. He said so what the Department would like to do is make a decision tonight to let the Commission know that by the middle of September the Department will have the presentation and the final form of what that whole plan is.

Commissioner Giraudo said that for the benefit of the other Commissioners that are relatively new to the Commission, Mr. Wasserman did come back with a draft that Dr. David Sanchez, and himself read thoroughly along with the Mayor's Office and all drew the conclusion that it was not at all what the Administration had expected in what the San Francisco Foundation paid $35,000 dollars for. He said they directed the Chief to go back and tell Mr. Wasserman and his Associates that they were disappointed and that virtually the report was something that could have been written about any department any place in the United States was not specific to San Francisco and did not project anything in terms of a real true action plan and they were dissatisfied. He said he is now glad it is going to move along and they will see it in the next thirty (30) days because he knows that there has been questions raised and will continue to be raised about the fact that $35,000 dollars was spent and where is the end result. He said the suspicion on some people's part that perhaps we are trying to hide the report because it was negative, is not true and it certainly was not negative it just did not say anything of any substance. He said basically much of that which did appear was outdated and outmoded. He said thirty (30) days from this date the Department should have a completed document.

Commissioner Giraudo said that on another subject he should have mentioned in the Police Commission report is that the Finance Committee of the Board of Supervisors has asked him and the Chief to appear before them with respect to the number of settlements in the handling of settlements vis a vis the City Attorney's Office of Claims against the Police Department. He said the Finance Committee has asked for his and the Chief's presence next Wednesday. The Commissioner continued by saying that he has asked the City Attorney to see if Supervisor Molinari would continue this until the Commissioner returns from vacation but if the Supervisor refuses to grant that request then he would definitely be present also for next week's meeting.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said he had three items. Last week, he said, he was talking about Pro Bono Hearings and the question came up about how does one apply for positions to the Police Commission's Pro Bono Hearing Officer. He said the OCC now has a list of up to thirty (30) people and have sent a letter to each one thanking them for their interest and requesting to send resumes so that they can be filed with the Officer of the Police Commission. Commissioner Giraudo advised that Mr. Langer should also request references from the Hearing Officers. Mr. Langer said he would do so and said his second item is that one of his investigators has gone on disability due to illness and as a result the OCC now has five openings. He said the Civil Service Staff has furnished them with a list of eligibles and so far they have found three suitable candidates. He said he would like to have a Personnel Session next week to brief the Commission on the candidates. He said they are shooting of a target date for hiring of August 29th.

Commissioner Giraudo then asked Mr. Langer to provide Commissioner Medina with the resumes of the people for his review. Mr. Langer agreed and continuing with his presentation, said that in line with their new Senior Investigator positions, they have re-organized the OCC as illustrated in the new Re-Organization Charts as given to the Commissioners. He then briefly outlined to the Commission the task that each position in the new re-organization would perform. He said they tried to follow the Budget Analyst recommendations as best as they could but some modifications were made to best meet the OCC needs.

RESOLUTION NO. 1473-88

RESETTING OF DATE FOR HEARING OF POLICE INSPECTOR RICHARD D. ESTRADA, INVESTIGATIONS BUREAU, GENERAL WORK DETAIL

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Inspector Richard D. Estrada, Investigations Bureau, General Work Detail, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Inspector Richard D. Estrada be reset for December 7, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Richard D. Estrada, Investigations Bureau, General Work Detail, is reset for Wednesday, December 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

RESOLUTION NO. 1474-88

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER DANIEL BAKER, POTRERO STATION

WHEREAS, Police Officer Daniel Baker, Potrero Station, was suspended without pay on April 22, 1988, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Daniel Baker has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Daniel Baker, Potrero Station, be placed on Leave of Absence Without Pay at his request for a period of forty-three (43) days commencing July 20, 1988 through August 31, 1988, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DANIEL BAKER, POTRERO STATION

Mr. Steve Whitmore said he was appearing tonight on behalf of Officer Baker in this matter and is requesting that the matter be continued for one week. He said he would not be officially representing Officer Baker but that the President of the Police Officers Association (POA), Mr. Bob Barry, will do so. He said the reason the Officer is not ready to go tonight is because the Attorney he had hired called Officer Baker last night and told him he wanted his fee quadrupled and since Officer Baker has been on leave of absence for about four (4) months he just didn't have the money to pay the Attorney (Mr. Kevin McDonough). Mr. Whitmore said Officer Baker was prepared to go forward tonight as that was the planned expectation since he had given his attorney a retainer fee.

Commissioner Giraudo said he was inclined to grant a continuation even though Mr. Gash's witnesses are present and it is a tremendous inconvenience to them but the Commission should set a date as it has in the past and firmly say that is the date and if Mr. Barry and Office Baker are not present on that date the Commission will try them in absentia.

Mr. Gash then suggested that the date be set for August 31, 1988. Commissioner Medina said he would make that motion and Commissioner Lee seconded. It was unanimously approved.

RESOLUTION NO. 1475-88

HEARING OF POLICE OFFICER DANIEL BAKER, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Daniel Baker, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Daniel Baker be continued to August 31, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Daniel Baker, Potrero Station, is continued to Wednesday, August 31, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Orr-Smith
ABSENT: Commissioner Nelder

The meeting, thereafter, was adjourned at 9:15 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
W/4397M

≡ Minutes

AUGUST 17, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 17, 1988 at 1700 hours in Closed Session.

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Commissioner Nelder presiding.

1. Personnel Matter

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

AUGUST 17, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 17, 1988 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

APPROVAL OF MINUTES OF MEETING OF MAY 25, 1988

Approval of Minutes of Meeting of May 25, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1481-88

PERFECTO M. BAUTISTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Perfecto M. Bautista in the sum of $1,727.53 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1482-88

STATE FARM INSURANCE (HUNG DUC LE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm Insurance (Insured: Hung Duc Le) in the sum of $894.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 9, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1483-88

CSE INSURANCE (LARRYETT ANERSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of CSE Insurance (Insured: Larryett Anerson) in the sum of $571.54 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1484-88

SAN FRANCISCO PROGRESS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of San Francisco Progress in the sum of $400.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1485-88

LES BLACKFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Les Blackford in the sum of $150.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1988

AYES: Commisaionera Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1486-88

JONATHAN W. LEON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan W. Leon in the sum of $145.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1487-88

NANCY DOWDS BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy Dowds Brown in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1488-88

NOON F. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Noon F. Wong in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1988

AYES: Commisaioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1489-88

ARTHUR JACOBS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur Jacobs in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1490-88

MARGARET W. WHITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret W. White in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1491-88

KATHRYN M. ORRANGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathryn M. Orrange in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1988 to July 7, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1492-88

GAIL OSTERGAARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gail Ostergaard in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioners Giraudo

RESOLUTION NO. 1493-88

MAX B. MANTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Max B. Manto in the sum of $125.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1494-88

KARIN L. and ROBERT E. DETTNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karin L. and Robert E. Dettner in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1495-88

ZIPCODERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zipcoders in the sum of $105.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1496-88

RICKE D. ORTOLF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ricke D. Ortolf in the sum of $102.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1497-88

TRACY-KAI MAIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tracy-Kai Maier in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 4, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1498-88

VERA L. HUMPHREYS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vera L. Humphreys in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1499-88

VLADIMIR B. EYDELSHTEYN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vladimir B. Eydelshteyn in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1500-88

ARTHUR D. WHITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur D. White in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1501-88

PATRICK E. SIEGFRIED

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick E. Siegfried in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1502-88

LYNDON TOM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lyndon Tom in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1503-88

PAUL TRICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Trick in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1504-88

PAUL D. QUICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul D. Quick in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1505-88

STEPHEN KELLY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Kelly in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1506-88

GARY LARKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Larks in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1507-88

CLAUS C. GLUEER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claus C. Glueer in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1508-88

CYNTHIA HAMILTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Hamilton in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1509-88

LORI VENEGAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lori Venegas in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1510-88

LEROY GEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leroy Gee in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1988 to
July 17, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1511-88

BRADY BEDSWORTH by and thru WILLIAM E. BEDWORTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brady Bedsworth (by and thru William E. Bedsworth) in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioners Giraudo

RESOLUTION NO. 1512-88

CAROL McGOWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol McGowan in the sum of $95.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1513-88

HOLLIE A. BERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hollie A. Berman in the sum of $80.00 as a result of damages to his motorcycle, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1514-88

ESTELA COTO LOPEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Estela Coto Lopez in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1515-88

WILLIAM L. GATELY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William L. Gately in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1516-88

MICHAEL R. GOLDSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael R.

Goldstein in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1517-88

WILLIAM BRADEY HARRINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Bradey Harrington in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1518-88

CHARLES W. JAEGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles W. Jaeger in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1519-88

JONATHAN KEITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Keith in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1520-88

TAM WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tam Williams in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1521-88

COLLETTE H. SWEENEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Collette H. Sweeney in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1522-88

JULIE FREITAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie Freitas in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1523-88

DEVEN GADULA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deven Gadula in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1524-88

RUBEN SAENZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruben Saenz in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1525-88

BR. GREGORY SCHULTZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Br. Gregory Schultz in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1526-88

TAMRA RATHJEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tamra Rathjen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1527-88

ANDREW POWERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew Powers in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1528-88

ANN MARIE JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Marie Jones in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1529-88

HOWARD NATHEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard Nathel in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1530-88

GWENDOLYN (GWEN) BITTAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwendolyn (Gwen) Bittan in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1531-88

STEPHEN L. DISIERE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen L. Disiere in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1532-88

JAN ZOBEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jan Zobel in the sum of $80.00 as a result of damages to his motorcycle, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1533-88

WILLIAM M. SCAGGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William M. Scaggs in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1534-88

DAVID & EVALYNNE ELIAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David and Evalynne Elias in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1535-88

TIMOTHY B. COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Timothy B. Collins in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1536-88

JONATHON HOWARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathon Howard in the sum of $75.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1537-88

SATORU NAKAMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Satoru Nakama in the sum of $55.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1538-88

TERRY TSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Terry Tse in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1539-88

ROBERT G. HODGKINSON, SR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert G. Hodgkinson, Sr. in the sum of $50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1540-88

THE CITY TOW (JOANNE S. RICHARDSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Joanne S. Richardson) in the sum of $50.00 as a

result of nonpayment by towee, be, and the same is hereby approved.

Date of Incident: January 8, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder announced that the Police Commission met in Closed Session on a Personnel Matter and no vote was taken.

(a) PUBLIC COMMENTS

M. Dianna Gold, Chevy's Mexican Restaurant, said she just wanted to appear and speak about the parking problem they are still having in the alley at 4th and Minna Streets. She said the ticketing of illegally parked cars was going great least week but this week she said she has not seen one single ticket issued to violators.

Commissioner Nelder then asked acting Chief, Deputy Chief Jack Jordan, to contact the Traffic Division to see if this can be cleared up. He then advised Ms. Gold that the Commission wanted to know if and when she had difficulty and that the Commission would continue to work with her if necessary.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Jack Jordan advised the Commission that there would not be a Chief's report tonight.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said that he had one item and he would request that the "Z" Classification be removed from him and all of his Investigative Staff. He said as it presently stands, it prohibits them from spending overtime money. He said he has been assured by the Mayor's budget people that there is money available and by removing this "Z" Classification they would be able to utilized it. He said so he would request a motion by the Commission to remove it.

Commissioner Nelder said that this matter has been recommended to be considered by the full Commission so rather than take action this evening he would request that Mr. Langer send the Commission a brief note on this matter and will be taken up for discussion at next week's meeting.

Commissioners Orr-Smith, Medina and Lee all agreed.

PUBLIC HEARING ON REVISION OF DEPARTMENT GENERAL ORDER H-1, "PRISONER SECURITY AT HOSPITALS"

Deputy Chief Willis Casey, in addressing this item, said the Youth Guidance Center (YGC) changed its procedures dealing with Juveniles taken to the

Hospital. He said what the Department has done is to change the General Order to correspond to the new YGC procedures. He said they have met and conferred with the Police Associations and there are no problems as it is only a housekeeping type of change. Commissioner Medina made a motion to approve. Commissioner Lee seconded and it was unanimously approved and adopted.

RESOLUTION NO. 1478-88

REVISION OF DEPARTMENT GENERAL ORDER H-1, "PRISONER SECURITY AT HOSPITALS"

RESOLVED, that the Police Commission hereby adopts the porposed revised General Order H-1, "Prisoner Security at Hospitals".

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

REQUEST OF THE CHIEF OF POLICE THAT THE "POLICE MOUNTED UNIT SPECIAL FUND" BE ESTABLISHED

Deputy Chief Willis Casey said, that as the Commissioners know, due to the budget deficit it became a necessity to request private funds for the continuance of the Mounted Unit. He said the money has now come in and this resolution before the Commission will allow the Department to place it into a Special Fund to pay necessary expenses to keep the unit operating. Commissioner Lee made a motion to approve the resolution. Commissioner Medina seconded and it was unanimously approved for adoption.

RESOLUTION NO. 1479-88

REQUEST BY THE CHIEF OF POLICE THAT THE "POLICE MOUNTED UNIT SPECIAL FUND" BE ESTABLISHED

WHEREAS, the City and County of San Francisco has provided partial funding for the Police Mounted Unit, and;

WHEREAS, that Unit is an integral and necessary part of the Police Department and;

WHEREAS, partial city funding is to be supplemented by donations to the Mounted Unit, and;

WHEREAS, a Special Fund must be established to accept and expend donations; therefore be it

RESOLVED, that the Police Commission hereby approves the attached draft ordinance which establishes the Police Mounted Unit Special Fund.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

HEARING ON DISCIPLINARY CHARGES FILED AGINST POLICE SERGEANT ANTHONY A. DEL ZOMPO, TARAVAL STATION

Mr. Michael Gash advised the Commission that Sergeant Del Zompo retired effective August 13th,

1988 and the Department is requesting that this matter be taken off calendar.

Commissioner Orr-Smith said she would make a motion that it be taken off calendar. Commissioner Lee seconded and it was unanimously approved.

RESOLUTION NO. 1480-88

HEARING OF POLICE SERGEANT ANTHONY A. DEL ZOMPO, TARAVAL STATION

WHEREAS, on July 14, 1988, Frank M. Jordan, Chief of Police, made and served charges against Police Sergeant Anthony A. Del Zompo, Taraval Station, as follows:

SPECIFICATION NO. 1

Creating an intimidating hostile or offensive working environment for female officers and engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section I.B.c of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Making derogatory racial comments and engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Section II A.3.b. of General Order D-17 and Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to answer questions asked by the Management Control Division truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set August 17, 1988, as the date for the hearing on charges filed against Sergeant Anthony A. Del Zompo; and

WHEREAS, Acting Chief of Police John J. Jordan announced that Police Sergeant Anthony A. Del Zompo has retired from the San Francisco Police Department, said retirement effective August 13, 1988; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Sergeant Anthony A. Del Zompo, Taraval Station, be, and the same are hereby continued off calendar.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1476-88

REQUEST OF THE CHIEF TO APPROPRIATE $35,000 FROM THE "NARCOTICS FORFEITURE AND ASSET SEIZURE FUND" FOR THE "PAL PROGRAM AT OCEANVIEW PLAYGROUND", A DRUG PREVENTION PROGRAM

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $35,000 which will appropriate the funds from the Narcotics Forfeiture and Asset Seizure Fund" to a new project drug prevention program titled "PAL Program at Oceanview Playground".

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1477-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER STEVEN R. SILVERS, TACTICAL DIVISION - MOUNTED UNIT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Steven R. Silvers, Tactical Division - Mounted Unit, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by the Management Control Division truthfully or without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by John J. Jordan, Acting Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Steven R. Silvers, Tactical Division - Mounted Unit, is scheduled for Wednesday, August 24, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

The Commission, after observing a moment of silence for retired Lieutenant Edward McDonough, adjourned at 6:10 p.m. in honor of his memory.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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= Minutes

AUGUST 24, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 24, 1988 at 1700 hours in Closed Session.

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Commissioner Giraudo presiding.

1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

AUGUST 24, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 24, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF JUNE 1, 1988

Approval of Minutes of Meeting of June 1, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1542

COOPER, ROBERT vs. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Cooper, Robert in the amount of $3,000.00 entitled "Cooper, Robert vs. City and County of San Francisco" in Superior Court Nos. 842-503 and 861-052 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 21, 1981

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1543-88

THE CITY TOW (MARTIN, CAROLYN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Martin, Carolyn) in the sum of $1,340.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 10, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1544-88

THONG M. NGUYEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thong M. Nguyen in the sum of $275.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1545-88

RICHARD HUNTS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Hunts in the sum of $260.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1546-88

CHARLES P. GOLDBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles P. Goldberg in the sum of 250.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1547-88

RICHARD VAN WAMBEKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Van Wambeke in the sum of $200.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1548-88

PATRICK T. GRACE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick T.

Grace in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder Orr-Smith

RESOLUTION NO. 1549-88

SCOTT SCHWARTZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Schwartz in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1550-88

JOYCE FLORES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joyce Flores in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988 to June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1551-88

CLAUDE L. BRAUN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claude L. Braun in the sum of $165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1552-88

EDWARD D. BATE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward D. Bate in the sum of $165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1553-88

WILLIAM WHITE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William White in the sum of $165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1554-88

CHARLES McALEER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles McAleer in the sum of $165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1555-88

JOHN WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Williams in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1556-88

HEATHER RHINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Heather Rhine in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1557-88

SHERRI F. WALSH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sherri F. Walsh in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1558-88

KAREN BRODER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Broder in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1559-88

MAE B. INGRAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mae B. Ingram in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1560-88

JIM STEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Stein in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1561-88

JEFFERSON BURKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jefferson Burks in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1562-88

MARVIN WHITFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marvin Whitfield in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1563-88

EILEEN ASHMORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eileen Ashmore in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1564-88

MELANIE B. MURIERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie B. Muriera in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1565-88

RITA AGHAZARIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rita Aghazarian in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1566-88

PATRICIA A. ARGUELLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patricia A. Arguelles in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1567-88

JULIUS V. LeLAURIN III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julius V. LeLaurin III in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder Orr-Smith

RESOLUTION NO. 1568-88

CHERRILYNN LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cherrilynn Lee in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1569-88

M. K. WHYTE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of M. K. Whyte in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1570-88

GORDON SILVERIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gordon Silveria in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1571-88

DOUGLAS PETER MICHENER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Douglas Peter Michener in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1572-88

MOYA WATSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Moya Watson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1573-88

NINETTE MORRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ninette Morris in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1574-88

KATE KNOX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kate Knox in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1575-88

ERNEST GONZALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ernest Gonzales the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1576-88

DAVID L. DAYOG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David L. Dayog in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1577-88

SYLVIA Y. BUFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvia Y. Buford in the sum of $20.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met this date in Closed Session on litigation and Personnel matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. Bernard L. Norris appeared and said that he was a member and representative of the Head Street Block Club in San Francisco and the OMI Neighborhood. He said they have devised a petition that they would like to, at this time, submit to the Police Commission. He said the Petition was also carbon copied for a number of other Political Bodies within San Francisco to address the issues of vagrancy and loitering in that particular neighborhood at hours far beyond midnight. He said the general direction is basically to convey the message to the Police Commission that they do have a problem and they would like to see some sort of effort, political if needed, to devise ordinances of some sorts to deal not specifically with drug trafficking but with persons who disturb the peace of other law abiding citizens on a day to day basis.

Commissioner Orr-Smith, in questioning Mr. Norris, asked if the area of his concern is the Ocean View Park Area or is it a broader area?

Mr. Norris said it was the Randolph Street Corridor which is the M Street Car Line from Arch Street to Orizaba. He said the people who live on that corridor are having problems with automobiles screeching, loud noises and occasional gunshots and this is happening as late as 2:00 in the morning on worknights. He said they understand that there are no vagrancy laws or loitering laws or any sort of ordinances that can be used for enforcement against persons out there at that time.

Commissioner Giraudo said he has gone out there on a number of times on ride alongs with the policemen who patrol that ~~are~~ AREA and his impression is that what Mr. Norris is determining to be loitering or vagrancy is directly related to drug trafficking. He said he observed a tremendously amount of police activity on the few occasions that he had been out there after midnight between midnight and 4 in the morning. He said he empathized and sympathized with Mr. Norris and his group but did not know what form an ordinance would take or wouldn't take, or what would be constitutional or what wouldn't be constitutional, but there is a very serious problem out there. He said he knows that Captain Philpott, the Captain of the District, has been most industrious about what they can do but the very evening he was out there the many numbers of people that were arrested were back out on the street before he went home by virtue of the process. He said he did not know what the Commission could do but he would certainly support any effort Mr. Norris and his group are making to enable the police to do a better job out there. He then thanked Mr. Norris for bringing the matter to the Commission.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said for the last six (6) months POST, the California Peace Officers Standards and Training, Commission in Sacramento did an in depth evaluatoin report of the San Francisco Police Department Academy, particulary, the Recruit and Field Training Program. He said the Department has received very high grades and are currently leading the field in many areas. Driver training, he said, was listed as Exemplary; Range Firearm Traning, Exemplary; Physical Fitness Training and Physical Training in terms of defense measures also Exemplary and the high quality of STAFF of the SFPD working with POST was also listed as Exemplary. He said so they are using the SFPD as an example and as a Model Police Facilities Program for the rest of the State.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said the OCC did not have a report for the Commission tonight.

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF HOLD HARMLESS AGREEMENTS WITH THREE PRIVATE COMPANIES PROVIDING VEHICLES FOR INVESTIGATIVE PURPOSES

Lieutenant James Long said he would respectfully request that the Commission accept and approve the Hold Harmless agreement for accepting the three vehicles offered by the said named business Organizations for use by the SFPD for investigative purposes. He said the vehicles would be used basically for undercover surveillances. He said they will be used by the Fencing Section and the Hold Harmless Agreement was prepared by the City Attorney's Office.

Commissioner Nelder said he felt approval of this item was necessary to carry out the police efforts of the SFPD. He said it would be the same situation if the Department had bought the vehicles in that the Department would still be the one responsible. He said he would make a motion to approve it.

Commissioner Giraudo asked, prior to the motion being seconded, if maintenance of the vehicles would be the responsibilities of the Department. The Lieutenant said that minor maintenance has already been checked out and made by the Department and any major repairs will necessitate returning the vehicles to the individual companies. He said the donors are S&C Ford, Allstate Insurance and Three A Insurance Companies. Commissioner Lee seconded Commissioner Nelder's motion and it was unanimously approved and adopted:

RESOLUTION NO. 1541-88

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF HOLD HARMLESS AGREEMENTS

WHEREAS, S & C Ford, the California State Automobile Association, and the Allstate Insurance Company have offered to each lease one vehicle, without cost, to the San Francisco Police Department, and

WHEREAS, the San Francisco Police Department is in need of unmarked vehicles for short and long term investigative purposes, and

WHEREAS, San Francisco Administrative Code Section 1.25(a) authorizes the Police Commission to execute hold harmless agreements for the loan or lease of vehicles, now therefore be it

RESOLVED, that the Police Commission approves hold harmless agreements with S & C Ford, the California State Automobile Association, and the Allstate Insurance Company for the lease from each company of one vehicle.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST FOR POLICE COMMISSION SUPPORT OF PROPOSITION "J" BALLOT MEASURE VESTING OF POLICE AND FIRE PENSIONS WHICH WILL APPEAR ON THE NOVEMBER 8, 1988 ELECTION BALLOT

Mr. Robert Barry, President of the POA, thanked the Commission for allowing him the opportunity to appear tonight and said this Proposition is a benefit to the employee at no cost to the City and County of San Francisco. He said the SFPOA has been fighting for this kind of benefit to equal that of the Vesting Provision that is now provided in the Charter for the Q2 Retirement Members that came in the Police Department after 1976 and likewise for the Fire Department members. He said the measure is being supported by a majority of the Board of Supervisors, the Mayor and the Retirement System. He said he would ask that the Commission seriously consider endorsing and signing the Ballot argument tonight in support of the Amendment.

The Commissioners then individually signed the Ballot Argument and Commissioner Medina made a motion to approve it. Commissioner Lee seconded the motion and it was unanimously approved.

RESOLUTION NO. 1578-88

PROPOSITION "J" BALLOT MEASURE VESTING OF POLICE AND FIRE PENSIONS WHICH WILL APPEAR ON THE NOV. 8, 1988 ELECTION BALLOT

WHEREAS, Proposition "J", a Charter Amendment, will place a "vesting" right in the retirement plans of our police officers and firefighters and is not a financial benefit, but rather a measure of flexibility that will help them plan for their careers; and

WHEREAS, "vesting" is already granted to all other City employees and is required by Federal law in the private sector; and

WHEREAS, the amendment is not only a wise change in terms of public policy but also it can help the administration of both Police and Fire Departments in improving overall quality of service which will be accomplished with no increase in costs; therefore be it

RESOLVED, that the Police Commission does hereby approve and support Proposition "J", the Charter Amendment which will place a "vesting" right in the retirement plans of our police officers and firefighters.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

SETTING OF DATE FOR HEARING OF POLICE OFFICER STEVEN R. SILVERS, TACTICAL DIVISION, MOUNTED UNIT

Continued one week.

HEARING ON APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SERGEANT JAMES STRONG, POTRERO STATION

The hearing of the appeal of the Chief's suspension imposed on Sergeant James Strong, Potrero Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Sergeant James Strong appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Casimir Wilson for the Defense.

The following witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant Christopher Weld, Warrant Bureau
Deputy Chief Frank Reed, Patrol Bureau

The following witness appeared for the Defense, was sworn and testified:

Sergeant James Strong, Company C

The following exhibit was entered into evidence by the Defense:

Exhibit A Daily Assignment Report for Potrero Station from Nov. 18, 1987 to Nov. 22, 1987, 5 pages

Closing statements were made by both Mr. Michael Gash and Mr. Casimir Wilson.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1579-88

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION IMPOSED ON SGT. JAMES STRONG, POTRERO STATION

WHEREAS, a hearing on said appeal was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, August 24, 1988, and the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the Chief's suspension imposed on Sergeant James Strong, Potrero Station, was sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that it is the findings and decision of the Commission that the Chief's suspension of two (2) days imposed on Sergeant James Strong be, and the same is hereby sustained.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

Recess taken during the hearing on the appeal of the Chief's suspension of Sergeant James Strong:

7:55 p.m. to 8:16 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:20 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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AUGUST 31, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, August 31, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Personnel Matter

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

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AUGUST 31, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, August 31, 1988 at 1700 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF JUNE 8, 1988

Approval of Minutes of Meeting of June 8, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1586-88

JASMINA ROSE MORALES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jasmina Rose Morales in the sum of $2,037.25 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1587-88

ROBERT GLEEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Gleen in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1588-88

YAHYA A. SALEH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yahya A. Saleh in the sum of $100.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissionrs Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1589-88

BARRY R. BRAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barry R. Bram in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1590-88

DORTHY LEVIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorthy Levin in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1591-88

DANTE RAVETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dante Ravetti in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session this date in Attorney-Client Conference and Personnel Matter and no vote was taken

(a) PUBLIC COMMENTS

Mr. John Crew, attorney for ACLU, said the Commission mentioned three weeks ago that the Smoot Case was going to come before the Commission within

two or three weeks and he was wondering if it was coming now or when?

Chief Frank Jordan said that the matter will be brought to the Commission next Wednesday night.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he would like to give the Commission an update on some incidents that occured on Monday. He said it is in regard to "Food not Bombs Program Coalition" giving away food in Golden Gate Park, where there were twenty-nine (29) people arrested and cited and twelve (12) of whom were released here at the Hall of Justice the first day. He said seventeen (17) others were released as of yesterday and this morning. He said they all are still facing charges and the District Attorney is evaluating what charges to use. He said there are still a great deal of negotiations going on between the Mayor's Homeless Coordinator, the Health Department, Park & Recreation, the Police Department, the various neighborhood organizations out in the Haigh-Ashbury and the Hamilton Methodist Church Coalition. He said the Department is looking for alternatives just as everyone else to see if it can be moved off dead center but at the present time the cases are still going forward in the District Attorney's Office.

Commissioner Medina said he would like to commend the Chief for coming back from his vacation to keep an eye on things. He said he was present during the time of the arrests and he felt the Police Department did a very good job in handling the situation.

Mr. John Crew said the ACLU had some concerns about these arrest and are currently preparing a letter for the Commissioners, Chief and the Mayor sometime tomorrow and hopefully a different approach can be found to the problem.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said the OCC had no report for the Commission tonight.

RESOLUTION NO. 1580-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER STEVEN R. SILVERS, TACTICAL DIVISION, MOUNTED UNIT

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Steven R. Silvers, Tactical Division - Mounted Unit, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Steven R. Silvers be set for December 14, 1988; therefore be it

RESOLVED, that the date for hearing of disciplinary charges filed against Police Officer Steven R. Silvers is set for Wednesday, December 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR POLICE COMMISSION APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $28,000 FROM THE "NARCOTICS FORFEITURE AND ASSET SEIZURE FUND" TO PROVIDE THE CITY AND COUNTY'S "HARD" MATCH FOR AN OFFICE OF CRIMINAL JUSTICE PLANNING GRANT

Chief Frank Jordan said that this particular Grant is a second year of a possible and hopefully three-year Grant that the Department's Intelligence Unit is using particularly dealing with narcotic problems and gang escalation in San Francisco with narcotic problems. He said as part of the Grant, the Department had to come up with a 10% local match and now this year there is a 20% local match and afterwards it will go back to a 10% local match for a third and final State of California Grant. Part of their guarantee is, he said, is that they cut back so many percentage points on how many arrest are being made and how many suspects actually are standing by for trial and how many hopefully will be convicted.

Commissioner Nelder said he would make a motion for approval, Commissioner Orr seconded and it was unanimously approved.

RESOLUTION NO. 1581-88

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $28,000 FROM THE "NARCOTICS FORFEITURE AND ASSET SEIZURE FUND" TO PROVIDE THE CITY AND COUNTY'S "HARD" MATCH FOR AN OFFICE OF CRIMINAL JUSTICE PLANNING GRANT

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $28,000 which will appropriate the funds from the "Narcotics Forfeiture and Asset Seizure Fund" to provide a "hard" match for a grant from the Office of Criminal Justice Planning.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RECOMMENDATION OF THE CHIEF OF POLICE FOR APPROVAL OF TRANSFER OF PATROL SPECIAL BEATS 2 AND 7 FROM PATROL SPECIAL OFFICER KUNG MING CHIU TO PATROL SPECIAL OFFICER DELORES LOVETT

Lieutenant James Tedesco, Personnel, said that Patrol Special Officer Chiu has requested the Commission's Approval of the sale and transfer of his Patrol Special Beats 2 and 7 to Patrol Special Officer Delores Lovett. He said the Personnel Bureau has reviewed the sale, all documents are in order and consistent with the Rules and Procedures for Patrol Special Officers. Chief Frank Jordan recommended approval of the Sale and Transfer.

Commissioner Nelder, in his inquiry of Patrol Special Lovett, learned that she already owned one Beat, #83. She then described the location of Beat #83 giving the boundaries as Green and Fillmore Streets, to Chestnut Street to Steiner to Filbert to Lyon to Green Street and back again. She explained that she would be able to police the area with the Assistant Patrol Specials already employed by her. In responding to Commissioner Giraudo's questions she said that she intended to increase the value of Beats 2 and 7 as it has a great amount of potential customers that have not been contacted.

Lieutenant Tedesco in responding to Commissioner Giraudo's inquiries said that any Patrol Special may own one or more Beats and may be assisted by Assistant Patrol Specials and not by another Patrol Special.

Patrol Special Kung Ming Chiu responding to Commissioner Giraudo said that he will no longer be a Patrol Special Officer as he has a four year old daughter to attend to by himself and that takes all of his time. He said he had been working the Beats since 1977 and that is long enough. Commissioner Nelder made a motion to approve the Sale and Transfer, Commissioner Lee seconded, and it was unanimously approved.

RESOLUTION NO. 1582-88

SALE AND TRANSFER OF PATROL SPECIAL BEATS 2 AND 7 FROM PATROL SPECIAL OFFICER KUNG MING CHIU TO PATROL SPECIAL OFFICER DELORES LOVETT

WHEREAS, Patrol Special Officer Kung Ming Chiu has requested permission to sell and transfer Patrol Special Beats #2 and #7 to Patrol Special Officer Delores Lovett, and

WHEREAS, Patrol Special Officer Kung Ming Chiu and Patrol Special Officer Delores Lovett have entered in an agreement for the sale and transfer of Beats #2 and #7, and

WHEREAS, all requirements of Rule 1.53 of the current Rules and Procedures of Patrol Special Officers have been met; now therefore be it

RESOLVED, that Kung Ming Chiu's appointment as a Patrol Special Officer is hereby revoked, and be it further

RESOLVED, that ownership of Patrol Special Beats #2 and #7 is transferred from Kung Ming Chiu to Delores Lovett and that Delores Lovett has the exclusive right to conduct business as a Patrol Special Officer on Beats #2 and #7.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR REVOCATION OF JITNEY PERMITS HELD BY THE FOLLOWING:

WILLIAM H. LOSA	MIGUEL HERNANDEZ
ARMANDO E. PEREZ	LOUIS JEAN
MENDEL MILSTEIN	MICHELE DIPILLA
JOSE S. CORTEZ	ANTONIO DAVID, SR.
EDMUND YOW	ABRAHAM ENDZWEIG
HUGO SOTO	FELIX ARBELOA
MACK WATSON	ARISTEO PELAYO

Police Officer Linda Flanders of the Permit Section said she had studied the Jitney Industry and came up with the two major problems that she foresaw and one is the Insurance and the other is the ridership. She said the rates for the insurance are set by the State Public Utilities Commission and in turn the Director of the Department of Motor Vehicles is required to set the same limits for motor vehicles for hire. She said any change in limits must be done on a state level. She said the Jitney Association in 1985 attempted to obtain special legislation, got as far as the State Senate and then were turned down. She said there are four (4) issues on the ballot, all dealing with insurance, and the passage of all or any will have a great effect on everyone, not only the jitneys, as there will definitely be a change after November depending on how it goes at the Polls. She said the second thing has to do with the money owed to the insurance companies including the money where all of the Jitneys and other people in the motor vehicle for hire industry were victims of the Vas Concellos Insurance scam. She said she learned that the insurance bills have been turned over to a collection agency which was not done by the insurance companies but it is an assigned risk plan which is operated and are regulated by the state. She continued by saying also, the ridership poses a problem and there are now only two jitneys currently working the street. One on Mission and the other on 3rd Street. She said for Mission Street, the jitney owner said BART had just about ruined any ridership. She said this jitney owner also has a PUC (Public Utilities Commission) license and also uses his van for other things which gives hime more money and enables him to pay his insurance. She said the one on 3rd Street is a larger bus than all the others, 30-passenger bus. She said she rode with him and during those rides based on her figures he earned approximately $229.00 for a six hour day. She said out of that he has to pay gasoline and maintenance for his jitney and insurance. She said the insurance cost him $17,000 a year. She said she tallied up what the total was and it was approximately $22,900 a year and he pays $17,000 for insurance. She said what is killing Mr. Losa's jitney ridership is that MUNI Bus as they have Express MUNI Buses from SP to the Financial District an apparently now SP riders may use their tikets for a free ride on the MUNI and therefore have no reason to pay Mr. Losa 85¢ per person to ride his jitney.

Lieutenant Wilson said as it appears it is a very bleak situation for jitneys in San Francisco. He said it is an outgoing mode of transportation. He said they looked at a lot of things to try and solve their problems such as the possibility of them operating as taxis but this would raise profound legal questions. He said they also looked at from a standpoint of one being in any other business in that you go into it with no guarantees if you can't make it then you must shut down. He said they then looked at it as to what the state could do and found that there would have to be a multitude of things to be done with types of insurance limits such as a PUC request to have the rates changed, they could go as a group or have legislative backing from Senators Quentin Kopp and Milton Marks. He said he did not feel it a viable solution but at least it is an option. He said the routes, 3rd Street and Mission Street are not profitable but the Police Commission could decide to change the routes and allow some new

routes to come in such as Geary Street, or even out in the Sunset District but they (the Permit Section are not analyst), he said, suggested this to the Jitney Association saying that maybe it will be profitable to them to do the study on the other routes and then come to the Commission with the suggestion. He said they then looked at outside expansions and suggested that they (Jitneys) look to the PUC and attempt to obtain a PUC Permit, and those with permits to do so drive the bus on Mission during rush hour and then when that rush hour is over do sightseeing tours or other things that are viable. He said what the Department is recommending is that the Commission place these permits into a Temporary Suspension.

Commissioner Giraudo then asked Lieutenant Wilson about the recommendation of the written report on Page 4, regarding the indefinite suspension. Lieutenant Wilson then said at the present time that would be the Department's recommendation and that is item #6. He said, however, if the Commission opted to adopt this, there are some caveats on the last page that go with the recommendation and they are critical if the Commission adopts this phase of the report.

Commissioner Nelder said that because of the insurance question and insurance provisions on the November Ballot he would make a motion that this matter be continued over to the first meeting in December. Commissioner Medina seconded and it was unanimously approved. Commissioner Lee said to Lieutenant Wilson that he had mentioned that Senators Marks and Kopp had requested information on this matter and he would suggest that the Lieutenant also send information to Senator John Burton and Speaker Willie Brown as they may be able to help also.

RESOLUTION NO. 1585-88

REQUEST OF THE CHIEF FOR REVOCATION OF JITNEY PERMITS

WHEREAS, the hearing on the request of the Chief of Police for revocation of the Jitney Permits held by the following was called, it having been continued from the meeting of June 29, 1988;

William H. Losa	Miguel Hernandez
Armando E. Perez	Louis Jean
Mendel Milstein	Michele Dipilla
Jose S. Cortez	Antonio David, Sr.
Edmund Yow	Abraham Endzweig
Hugo Soto	Felix Arbeloa
Mack Watson	Aristeo Pelayo

WHEREAS, the Police Commission having earlier requested a staff report as to the feasibility of obtaining sufficient insurance for the above-named jitney bus owners and/or changing jitney permits to taxi permits, and on this date having received verbal and written information on that report recommending temporary suspension of the permits in order to wait the outcome of the November election which contains four ballot measures dealing with insurance provisions that could have a profound effect on the motor vehicle for hire industry; therefore be it

RESOLVED, that the Police Commission will continue the hearing on the revocation of the jitney permits held by the above-named persons to Wednesday, December 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1584-88

REQUEST OF THE CHIEF FOR REVOCATION OF JITNEY PERMITS J-0007 HELD BY ADOLFO PEREZ AND J-0014 HELD BY HARRY F. BODE, SURRENDERED BY THE PERMIT HOLDERS

WHEREAS, the hearing on the request of the Chief of Police for revocation of Jitney Permits J-0007 held by Adolfo Perez and J-0014 held by Harry F. Bode, surrendered by the permit holders, was called it having been continued from the meeting of June 29, 1988; and

WHEREAS, the Police Commission having earlier requested a staff report as to the feasibility of obtaining sufficient insurance for the above-named jitney bus owners and/or changing jitney permits to taxi permits, and on this date having received verbal and written information on that report recommending temporary suspension of the permits in order to wait the outcome of the November election which contains four ballot measures dealing with insurance provisions that could have a profound effect on the motor vehicle for hire industry; therefore be it

RESOLVED, that the Police Commission will continue the hearing on the revocation of the jitney permits held by Adolfo Perez and Harry F. Bode to Wednesday, December 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR APPROVAL OF HOLD HARMLESS AGREEMENT BETWEEN THE CALIFORNIA HIGHWAY PATROL AND THE SAN FRANCISCO POLICE DEPARTMENT

Chief Frank Jordan said the CHP has an excellent drivers training program in Sacramento and the Department has two officers from the Traffic Division who will be handling Specialized Traffic Collision Investigations utilizing skills learned as part of that driving training course. He said the CHP, as one of their normal processes, always ask for a hold harmless agreement for them and the participating department whenever an officer is sent there to participate in the course. Commissioner Nelder said he would move approval, Commissioner Orr seconded and it was unanimously approved.

RESOLUTION NO. 1583-88

HOLD HARMLESS AGREEMENT

RESOLVED, that the Police Commission hereby authorizes the execution of a hold harmless agreement with the California Highway Patrol so

members of this Department can attend Commercial Vehicle Training conducted by the California Highway Patrol, from September 26, 1988 through October 7, 1988.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DANIEL BAKER, POTRERO STATION

Mr. Robert Barry, President of the SFPOA addressed the Commission on this issue and said it was not comfortable coming before the Commission tonight to ask the Commission not to go forward on a case. He said he had been here approximately three (3) weeks ago and represented Officer Baker because of a problem the SFPOA was not involved in and in which Officer Baker's attorney, at the very last minute, bowed out of the case for reasons that will be disputed with the Bar Association later on. He said he came here, then asking the Commission to put this over until he had an opportunity to try and seek counsel for Officer Baker and if he could not afford counsel that he (Barry) would try to represent him. He said Officer Baker told him he could not afford an attorney and he then advised the officer that he would appear here on his behalf this evening. Mr. Barry said that during the last week or ten (10) days he had had communications with Officer Baker and told him he had to do certain things which Officer Baker did not do and which will be the thrust of his argument tonight. He said the fact is that Officer Baker came into his office today scheduled at 2:00 p.m. and he did not show until five (5) minutes after and looked very disheveled and there was alcohol on his breath. He said during the course of their conversation it became apparent to him that Officer Baker had consumed quite a bit of alcohol. He said Officer Baker was in such a convoluted stated that he couldn't appear before the Commission tonight and when he left the office at 4:30 p.m. he had to be helped down the stairs. He said there is no way Officer Baker could have communicated with the Commission tonight or even understood what the testimony was going to be. He said he made the decision after having a member of the stress unit talk to Officer Baker to have that member drive him home.

After going over many other factors which he felt contributed to Officer Baker's demise he asked the Commission to put the matter over to a date in early October.

Mr. Michael Gash, Attorney for the SFPD, said the Department opposes any continuance. He then went through a chronological sequence of the events leading to Officer Baker's charges and appearances before the Police Commission.

Commissioner Nelder said that he felt in this particular case the Officer did show up. He went over to see Bob Barry and then was going to come over here, despite his condition, and be tried. He said because of this he felt the Commission should acknowledge and grant the request because Officer Baker did make an effort to get here and he felt that his written request for an extended leave

of absence should be signed and brought in to be calendared at the next meeting. The continuance, he said, would also be granted to October 12, 1988 at 4:00 p.m. with the proviso that if he is not here at that time he will be tried in absentia and that Commissioner Nelder said, is his motion.

Commissioner Orr said she would like to see if there is someway the Department could monitor what Officer Baker is doing on a weekly basis. She said she would also like to amend Commissioner Nelder's motion to include the monitoring aspect and that any non-appearance would be cause for termination.

The motion was seconded by Commissioner Medina and unanimously approved. The matter was then continued to October 12, 1988, at 4:00 p.m.

HEARING OF POLICE OFFICER DANIEL BAKER, POTRERO STATION

The hearing of the disciplinary charges against Police Officer Daniel Baker, Potrero Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Daniel Baker appeared in person and was represented by Mr. Robert Barry, Police Officers' Association.

An opening statement was made by Mr. Robert Barry for the Defense.

An opening statement was made by Mr. Michael Gash for the Prosecution.

The hearing was then continued to Wednesday, October 12, 1988 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The Commission, after observing a moment of silence in honor and respect to the memory of retired Sergeant of Police Tony Bell, adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/rt
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=[MINUTES]

SEPTEMBER 7, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 7, 1988 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF JUNE 15, 1988

Approval of Minutes of Meeting of June 15, 1988, the Commissioners having received, approved and returned copies of same.

DEC 15

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1598-88

ALAN GOEPEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Goepel in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1599-88

JEANNE GILLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne Gille in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1600-88

ELMA B. OCAMPO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elma B. Ocampo in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1601-88

ESENEIASO MASANIAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eseneiaso Masaniai in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1602-88

ELDON M. BRIGHT, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eldon M. Bright, Jr. in the sum of $150.00 as a faulty tow, be, and the same is hereby approved.

Date of Incident: July 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1603-88

GERARDO MURILLO

RESOLVED, that the recommendation of the City Attorney for settlement of claim of Gerardo Murillo in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1604-88

THE CITY TOW (WONG, ANN S.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Wong, Ann S.) in the sum of $125.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 20, 1988
(Waiver Date-April 22, 1988)

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1605-88

KERRY GLEESON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kerry Gleeson in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1606-88

JOHN SHOUSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Shouse in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1607-88

BIENVENIDO AUSTRIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bienvenido Austria in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1608-88

RENNIE NEWMARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rennie Newmark in the sum of $102.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1609-88

JOSE M. GONZALEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose M. Gonzalez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1610-88

DAVID R. VALDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David R.

Valdez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1611-88

ALEXANDRIA DURAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexandria Duran in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1612-88

SUSAN THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Thomas in the sum of $100.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1613-88

HIANG BENG LEONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hiang Beng Leong in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1614-88

ANTONIO JIMENEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio Jimenez in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1615-88

GEORGE E. COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George E. Cook in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1616-88

FIORELLA TALENTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fiorella Talenti in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1617-88

JOAN BOYD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan Boyd in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1618-88

GWEN DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwen Davis in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1619-88

LARY GENE EDDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lary Gene Eddy in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1620-88

ANDREW G. HAWKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew G. Hawke in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1621-88

MITS MORI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mits Mori in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1622-88

DOROTHY C. NEMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy C. Nemes in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1623-88

CATHERINE MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Miller in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1624-88

SEVAN MINASIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sevan Minasian in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1625-88

GARTH D. GILLESPIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Garth D. Gillespie in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1626-88

GINA A. GEORGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina A. George in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1627-88

PAUL JOSEPH FAUETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Joseph Fauetti in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1628-88

DOW BARNES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dow Barnes in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1629-88

MICHAEL SHAKSHOBER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Shakshober in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1630-88

JAMES LEONARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Leonard in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1631-88

FRANK HUTTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Hutton in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1632-88

RITA DAVIDSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rita Davidson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1633-88

CECELIA YARNELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cecelia Yarnell in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1634-88

CAMERON B. TANNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cameron B. Tanner in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1988 stolen;
August 8, 1988 found

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1635-88

PAUL J. SCHWARTZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul J. Schwartz in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder,

RESOLUTION NO. 1636-88

SAMSON LAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Samson Lai in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1637-88

BIANCA ZAHRAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bianca Zahrai in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1638-88

CHRISTINE BAIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Baier in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1639-88

DEDIK MATTHEW GUNAWAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dedik Matthew Gunawan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1640-88

DIXON J. SIEDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dixon J. Sieder in the sum of $50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25-29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1641-88

JENNIFER POLLOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Pollock in the sum of $45.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1642-88

ROBERT GROZDANICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Grozdanich in the sum of $25.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

No report.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said for the record the Commission has been presented with charges against the Officers regarding the Smoot Case and they will now be coming before the Commission on whatever date made available on the Commission calendar. He said Mr. Michael Gash will be presenting the matter for the Department. So, he said, it is on record, it is on file, the Commission has it in its Office and each of the four Officers have been served papers. He said a second item he had is an incident that occurred on Monday regarding the "Food not Bombs" issue in Golden Gate Park at Haight and Stanyan. He said the Police Department would rather be in a number of other places dealing with issues of a

serious criminal nature but this is one that has, unfortunately, escalated. He said the proper Permits are still being pursued and the Commission is trying to work with the Mayor's Office and the group themselves in attempts to find a workable solution. He said at this point attemps are being made to find some other location for them to be in rather than Golden Gate Park.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

No report.

RESOLUTION NO. 1593-88

SETTING OF DATE FOR HEARING PURSUANT TO A SUPERIOR COURT ORDER FOR FORMER POLICE OFFICERS PETER BALESTRERI AND JOSEPH M. HESSION

WHEREAS, the date for the setting of the hearing pursuant to a Superior Court Order for former San Francisco Police Officers Peter Balestreri and Joseph M. Hession was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of Former Police Officers Peter Balestreri and Joseph M. Hession be set for November 16, 1988; therefore be it

RESOLVED, that the date for the hearing of former Police Officers Peter Balestreri and Joseph M. Hession pursuant to Superior Court Order of the City and County of San Francisco is set for Wednesday, November 16, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1595-88

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER DANIEL BAKER, POTRERO STATION

WHEREAS, Police Officer Daniel Baker, Potrero Station, was suspended without pay on April 22, 1988, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Daniel Baker has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Daniel Baker, Potrero Station, be placed on Leave of Absence Without Pay at his request for a period of forty-three (43) days commencing August 31, 1988 through October 12, 1988, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1596-88

HEARING OF POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Raymond E. West be continued to December 7, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Raymond E. West, Medical Liaison, is continued to Wednesday, December 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

HEARING ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER STEVEN J. BOLANDER, COMMUNICATIONS DIVISION

Mr. Michael Gash, attorney for the Police Department, said that the Department had made several attempts to contact Officer Bolander without success and so at this time he would request that this matter be put over to December 21, 1988. Mr. Gash said, in response to Commissioner Orr's query of why hasn't contact been made with Officer Bolander, that the Department is not absolutely sure as to exactly where the Officer is staying. Mr. Gash said that the Officer has been on Disability Leave with Pay since the charges were first filed against him and the length of time allowed for Disability Leave with Pay is probably about to run out. Mr. Gash said that Officer Bolander left an address with the Personnel Sick Sergeant which is in Arizona but so far the Department has received no response from him in regard to his Hearing. Commissioner Medina said he would make a motion to continue the matter to December 21, 1988, Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 1597-88

HEARING OF POLICE OFFICER STEVEN J. BOLANDER, COMMUNICATIONS DIVISION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Steven J. Bolander, Communications Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Steven J. Bolander be continued to December 21, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Steven J. Bolander, Communications Division, is continued to Wednesday, December 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1592-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DAVID D. WRIGHT, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer David D. Wright, Ingleside Station as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer David D. Wright, Ingleside Station, is scheduled for Wednesday, September 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #735 HELD BY FRANK DIAMOS

Lieutenant Harlan Wilson and Officer Linda Flanders from the Permit Section appeared on behalf of the Department on this matter. Mr. James Clapp appeared on behalf of Mr. Frank Diamos and Lorrie's Cab Company. Lieutenant Wilson said this matter was before the Commission as investigation reveals that the cab was operated on the streets of San Francisco without insurance and was involved in an injury accident where three (3) people were injured. Officer Flanders who came forth and presented facts as to what occurred said that the particular vehicle that was involved in the accident was not listed on the policy. She said Assigned Risk is very strict in this regard and if the Vin Number is not listed on the Policy then the vehicle is not covered. She said when this claim was filed, the Company was adamant that they definitely would not cover it but she was on the phone today with them at 4:00 p.m.

and the claims adjuster said she would look at it and submit it to her Supervisor and he would look at and then submit it to the Home Office with his recommendation. She said it was stated to her that the Home Office is the only entity to make a final determination.

Mr. Jim Clapp, representing the Permit Holder and Lorrie's Cab Company said it is true as stated by Officer Flanders that the Insurance Company at first would not commit itself because the vehicle Vin No. was not listed on the Policy but since that time, he said, the vehicle was insured. He said there was a change over in vehicles prior to the date in question as listed on the Insurance Policy (July 11, 1988) within the Cab Company replacing the down vehicle (rendered in operable, May 14, 1988) with the vehicle that was involved in the accident on the date in question (July 12, 1988) but that information was apparently not transmitted to the Insurance Company. He said when the Insurance Agent submitted its list to the Insurance Company for insurance to continue without interruption on the day before this accident it listed the vehicle that had been out of service since May 14, 1988. He said the facts based upon the representations that they have presented to the Insurance Company confirmed in large part by the Insurance Agent and with the additional documentation including an on-site inspection of the disabled vehicle, that was listed but was not in operation, by the insurance company itself which will take place within the next week the insurance representative indicated to him that if the facts are as Mr. Clapp represents them, they will honor the coverage and that the claimants will be paid.

Commissioner Giraudo after submitting numerous questions to Mr. Clapp, said obviously if the insurance company takes responsibility and if there is coverage they are looking at the injured parties who are filing a law suit and may be filing for far more than the $7 thousand vehicle damage and personnel injuries and loss of wages or whatever else that may be involved and that will obviously play a part in the company's decision as well. He said he felt he understood now where this all may be but he did not know how the Police Commission, at least from his point of view, could make a decision about revoking a license based upon a lack of insurance until it finds out in fact whether that vehicle was insured.

Mr. Clapp said that was the point he was going to make. He said the Company indicated that with their inspection which will occur on site of the currently disabled vehicle and with the documentation that is in the pipeline now, they will be able to make a decision before the end of the month. In fact, he said, he suggested to them that since the Commission meets on a weekly basis that if this matter could be held over to the 28th of September that by this time they will be able to provide a written decision on the coverage issue.

Commissioner Nelder said he would make a motion for continuance to September 28, 1988. Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1594-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #735 HELD BY FRANK DIAMOS

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Taxicab Permit #735 held by Frank Diamos was called, it having been set for this date; and

WHEREAS, Lieutenant Harlan Wilson and Officer Linda Flanders, General Office Division, Permit Section, appeared on behalf of the San Francisco Police Department; and

WHEREAS, James Clapp, Attorney at Law, appeared in person representing Frank Diamos; and

WHEREAS, opening statements were made by Officer Flanders and Mr. James Clapp; and

WHEREAS, additional time of three weeks was requested by Mr. James Clapp for clarification of the insurance coverage of his client, Frank Diamos; therefore be it

RESOLVED, that the date for the hearing on the complaint for revocation of Taxicab Permit #375 held by Frank Diamos is continued to Wednesday, September 28, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

The Commissioners then returned to Item #10, Request of Police Officer Daniel Baker, Potrero Station, for a Leave of Absence Without Pay Pending Hearing of Disciplinary Charges, which was not completed as there was a status report of a Personnel Matter that was inclusive as ordered by the Commission at its meeting of August 31, 1988.

Mr. Robert Barry, President of the SFPOA, said that the members of the Stress Unit Officers Shea and Engler are present but that he would have to give the Commissioners a Status Report. He then held up a Consent form that the Officers attempted to have signed but it did not require a signature which he explained later. He said the information, regarding Officer Baker that he has, came to him indirectly. He said as the Commission knows he came before them last Wednesday and asked for an extension of time for Officer Baker's Hearing with hopes of getting him into a recovery program. He said on Thursday they put him in touch with Fort Miley who at that time did not have a place for him so they had to take him elsewhere. He said at this time the SFPOA has gone the limit in its attempt to support Officer Baker. He said the Officer has an opportunity here that probably should not have been granted to him under the conditions of the past but the Commission granted it. He said, hopefully, the officer will fulfill his responsibity tomorrow and if not he would be coming back to the Commission next week and advise as to where it is at that point.

The meeting, thereafter, was adjourned at 6:15 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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=Minutes

SEPTEMBER 14, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 14, 1988 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

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APPROVAL OF MINUTES OF MEETING OF JUNE 22, 1988

Approval of Minutes of Meeting of June 22, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1652-88

LEO ANDRESKI

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Leo Andreski in the amount of $2,499.99 entitled "Leo Andreski vs. Pick-Your-Part Auto, CCSF, et al" in Superior Court No. 892-106 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1653-88

THE CITY TOW (McGEE, VAN EARL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (McGee, Van Earl) in the sum of $340.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1654-88

ROBERT L. WITBECK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert L. Witbeck in the sum of $225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incidents: May 22 and May 27, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1655-88

WILLIAM C. HULL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William C. Hull in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1656-88

HENRY LOVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry Love in the sum of $200.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1657-88

GERARD PATRICK GAVNEY

RESOLVED, that the recommendation of the City Attorney for settlement of Gerard Patrick Gavney in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1988

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Alfred Nelder said that the Police Commission did not have a report at this time.

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he wanted to update the Commissioners on the "Food not Bombs" situation. He said apparently everything worked out very well this past Monday with approximately 75 people who complied with police requirements. He said there were two meetings last week, one on Thursday and one on Friday in the Mayor's Office with all of the different parties involved, i.e. from Neighborhood Coalitions and Park and Recreation Department and the Homeless Coordinator of the Police Department. All parties were able to sit down together to see just how to resolve this situation in an amicable way. He said as a result of the two meetings they came up with the idea of a Temporary Use Permit to

be issued by the Park and Recreation Department which is now in place for four to five weeks and will allow the "Food not Bombs" Coalition to properly apply to the Park and the Recreation Department as they felt they were not given due process in their attempts to obtain their permits ahead of time and they were denied some access to the Park and Recreation Department as they felt they needed more time to put their presentation together to obtain it. He said, so, the Park and Recreation Department was able to give the temporary use permit so they now can apply through the proper procedure showing why they want to use Golden Gate Park and why they want to use that particular site for feeding the homeless. He said it will now go to the Park and Recreation Commission so that all sides will be able to air it in public forum. He said it will also give all parties a chance to look for other sites and to work with other neighborhood factions to see if there is anything else that can be done.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said the OCC has three items and one is that their second group of two new investigators began their employment with the OCC on Monday and are presently in their first phase of training. He said that brings the unit's compliment up to thirteen people but are still short three people as they are authorized for sixteen. He then said that Ms. Irene Rapoza was present to fill the Commissioners in on the other items as she is the OCC Senior Analyst. Ms. Rapoza said that as the Commissioners are all aware that the OCC is attempting to improve their procedures making sure that they are reflecting all law and case law as it stands today. She said they have been consulting with the City Attorney's Office to make sure that their disposition procedure follows the recent case decisions that have come down and other legal issues that OCC should be aware of. She said that next week the OCC would like to discuss with the Commission the OCC's preliminary disposition procedure which Director Langer and Commissioner Medina have already briefly discussed. She said they will also have a packet of proposed letters they will be sending out for to the Commissioners on Monday for the Commission's perusal. She said the next item is somewhat embarrassing as they are very late with their quarterly report. She said they apologize but the OCC has been working with a limited staff this summer. She said Mr. Langer and herself decided to set the date of October 5th at which time they intend to have the report available for the Commission if not sooner.

RESOLUTION NO. 1644-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, is scheduled for Wednesday, September 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1645-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, is scheduled for Wednesday, September 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1646-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, is scheduled for Wednesday, September 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1647-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed agianst Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, as follows:

SPECIFICATION NO. 1

Neglect of Duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, is scheduled for Wednesday, September 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1649-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER DAVID D. WRIGHT, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer David D. Wright, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law for the San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer David D. Wright be set for January 11, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer David D. Wright is set for Wednesday, January 11, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1648-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION - DOG UNIT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Anthony J. Carreon, Tactical Division - Dog Unit, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9, of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Anthony J. Carreon, Tactical Division - Dog Unit, is scheduled for Wednesday, September 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1650-88

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER RAYMOND E. WEST, MEDICAL LIAISON

WHEREAS, Police Officer Raymond E. West, Medical Liaison, was suspended without pay on January 20, 1988, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Raymond E. West has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Raymond E. West, Medical Liaison, be placed on Leave of Absence Without Pay at his request for a period of 92 days commencing September 7, 1988 through December 7, 1988, be, and the same is hereby approved.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1643-88

CHIEF'S RECOMMENDATION TO WITHDRAW CHARGES PENDING AGAINST DECEASED INSPECTOR THOMAS MAZZUCCO AND PAYMENT OF TIME LOST TO HIS WIDOW UNDER CHARTER SECTION 8.344

WHEREAS, on September 30, 1986, charges were filed with the Police Commission against deceased Inspector Thomas Mazzucco for allegedly using controlled substances without a valid prescription and for allegedly being under the influence; and

WHEREAS on October 10, 1986, the charges were amended to include charges for again allegedly being under the influence and for allegedly refusing to submit to a chemical test; and

WHEREAS, the Chief of Police has recommended that the charges as filed and pending before the Commission be withdrawn; and

WHEREAS, the Chief temporarily suspended Inspector Mazzucco pursuant to General Order No. P-11, subsection III, paragraphs H and I, for the period October 3 through October 24, 1986, based on Inspector Mazzucco's refusal to submit to a chemical test; and

WHEREAS, Charter Section 8.344 authorizes the Commission to order payment of salary to a member for the time a member was suspended without pay; and

WHEREAS, Inspector Thomas Mazzucco's survivors, acting through the counsel of Thomas Mazzucco, Jr., have agreed to release the City and the Department from any claims arising from the above-described circumstances and have also agreed to dismiss with prejudice a suit currently pending against the City and the Department; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby approves the Chief's recommendation to withdraw the charges pending before the Commission against deceased Inspector Mazzucco; and be it further

RESOLVED, that the Commission hereby orders payment of salary to Inspector Mazzucco's widow for the period October 3 through October 24, 1986, in the amount of $2,409.00; and be it further

RESOLVED, that this Resolution is expressly conditioned on, and shall not be effective until Inspector Mazzucco's survivors fully release and waive all claims against the City, the Department, and City personnel arising out of Inspector Mazzucco's employment, in a form acceptable to the City Attorney.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON THE REQUEST OF TAXICAB MEDALLION APPLICANT WILLIAM D. WELSHANS FOR A MEDICAL WAIVER

Lieutenant Harlan Wilson said this is a matter dealing with Mr. Welshan's request for a Taxicab Medallion as he was the next person on the list. He said an investigation of this matter was done by

Sergeant Manini and Seargent Manini will give the Commission a report.

Sergeant Manini said that Mr. Welshans physician had certified him as able to drive but he needed a neurological examination and in addition Mr. Welshans' reflexes at the knee were absent. The Sergeant said they notified Mr. Welshans of this information and asked him to send the Permit Section certification of his obtaining this neurological examination and the results. The Permit Section, Sergeant Manini said, has received nothing as of this juncture. He said Mr. Welshans stated on his application that he had no physical problems whatsoever but investigation reveals that he does have a problem also with his hip and when he came in to speak with Lieutenant Wilson, Mr. Welshans said he has an abscess on his hip and has to have hip replacement surgery and as a result he has to have a waiver put in so that he can go in and have this surgery and not lose his place on the list. Sergeant Manini said based on the results of the neurological examination, the fact as to how he walks and that is with a cane and crutches and the fact that he does state on his application that he has no physical abnormality or deformity, the Permit Section feels that his application should be denied. The Sergeant said that however, since Mr. Welshans is asking for a period of time to be able to go in and see if perhaps the surgery would rectify his problem and allow him to qualify to drive, the Permit Section would have no objection to perhaps a six-month stay of denial, with the condition that Mr. Welshans come back to the Commission in six months and at that point prove to the Commissioners whether or not he is in fact able to drive and qualify.

Commissioner Orr said she felt that was a good recommendation and would make that motion. Commissioner Lee said he would second that motion.

Sergeant Manini said the Permit Section would also, at this point, ask permission from the Commission to proceed on to the next applicant on the list to issue the Taxi Medallion which has been waiting pending Mr. Welshans application.

Commissioner Medina said if the next person on the list is given the medallion and six months from now Mr. Welshans comes back and at that point the Doctor said he was suited for driving a cab again will he be able to get his medallion at that time?

The Sergeant said Mr. Welshans would be the applicant for the next available medallion if and when one became available. He said the way they become available are as a result of the death of a current medallion owner. Commissioner Medina said the only thing that concerns him is that Mr. Welshans is not present.

Commissioner Nelder said he would suggest that the Commission approve the six months leave and calendar this matter for one week from today for approval of the next candidate which will give Mr. Welshans an opportunity to come in if he so desires.

Commissioner Nelder said so there is a motion and a second to approve the six-month extension and after receiving unanimous ayes for approval it was so noted by resolution as listed below.

RESOLUTION NO. 1651-88

HEARING ON REQUEST OF TAXICAB MEDALLION APPLICANT WILLIAM D. WELSHANS FOR A MEDICAL WAIVER

WHEREAS, the hearing on the request of the Chief of Police for a hearing on the request of Taxicab Medallion applicant William D. Welshans for a medical waiver was called, it having been set for this date; and

WHEREAS, investigation by the Permit Section reveals Mr. Welshans is having severe medical problems; and

WHEREAS, Mr. Welshans is requested a period of time to allow him to rectify his medical problems and qualify for a permit; therefore be it

RESOLVED, that the date for the hearing on the six months stay of denial for Taxicab Medallion Applicant William D. Welshans be set for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Lee, Medina, Nelder, Orr-Smith
ABSENT: Commissioner Giraudo

Commissioner Medina then made a motion to place this matter on calendar for next week to determine the next candidate for approval of a Taxicab Medallion. Commissioner Lee seconded and it was unanimously approved.

Commissioner Nelder said he would also request that the Sergeant submit a report to the Commission. He said it was noted that this matter was handled according to the Resolutions of the Police Commission to prevent a mix up, knowing of the intensity in which these medallions are sought, so that it may be filed in the Commission Office.

The meeting, thereafter, was adjourned at 6:10 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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=[MINUTES]

SEPTEMBER 21, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, September 21, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

SEPTEMBER 21, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 21, 1988 at 1730 hours in a Regular Meeting.

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Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF MEETING OF JUNE 29, 1988

Approval of Minutes of Meeting of June 29, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1667-88

STATE FARM (BRIGITTA SONNBERGER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of State Farm (Brigitta Sonnberger) in the sum of $1,097.96 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1668-88

STEVEN ARLYN MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Arlyn Moore in the sum of $740.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 8 - March 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1669-88

JOSE E. CABEZAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jose E. Cabezas in the sum of $222.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1670-88

JOHN HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Harris in the sum of $180.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 25, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1671-88

LORENA M. LOPEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorena M. Lopez in the sum of $117.41 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1672-88

BRUCE CARL SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Carl Smith in the sum of $40.00 as a result of loss of property, be, and the same is hereby approved.

Date of Incident: June 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

At this point Commissioner Giraudo announced that the next items Nos. 5, 6, and 7 will be discussed at the very end of the calendar as it is the Commission's understanding that there are a

number of people who wish to make public comments this evening but have not arrived as yet. He said the Commission will do its best to accomodate them in order not to have to bifurcate items 5, 6 and 7.

OFFICE OF CITIZEN COMPLAINTS PRELIMINARY DISPOSITION PROCEDURE (MODIFICATION)

Mr. Michael Langer, Director of OCC, advised that he would defer to his Senior Analyst Irene Rapoza to report to the Commission on this item. He also introduced Deputy City Attorney Mary Borley who was present to answer legal questions the Commissioners might have in regard to the proposal.

Ms. Rapoza said the OCC was proposing a new procedure for notifying both Police Officers and Complainants about preliminary dispositions. She said the Commission should now have received a packet of proposed letters that would be used to implement the procedures. She then discussed the letters that are now currently in use and the titles of the proposed letters in the packet and pointed out that the last document was the confidentiality statement. She said as the Commission is aware, the OCC just received a favorable appeal decision that spoke to the OCC Hearing Rules Procedures and in order for the OCC to properly implement that decision they sought and received counsel from the City Attorney's Office. She said the City Attorney's Office advised that they should not only integrate the Appeals Court decision into their Hearing Procedures but also in their preliminary disposition procedures as well. She said for that reason, and also as part of their continuing program to try and improve service and improve the letters to inform the people as to what is going on in the OCC, they worked on and completed these letters along with the confidentiality statement as submitted here today. She said they feel that the letters will do several but official things; first, she said, they will be used to improve the OCC procedures as mentioned; the second thing would be to better serve the Police Officers by, (1) removing any doubt that they might have about the OCC's concern about stating their rights and a reminder of their rights at the OCC. She said they feel that the letters would better serve the complainants by informing them of their rights to a hearing and of the grounds where by they may ask for such a hearing and also by explaining to them their right to discuss and remind everyone of their responsibitilities. She said those are the reasons and the basis for the letters.

Mr. John Crew, attorney for the ACLU, said they disagree with the City Attorney that these changes are necessary under the Hearing Rules Decision but that is irrelevant because they also think that this is a much better letter than the last one so they support the changes. He said they also had a suggestion and that is that the definition sheet that list all of the specific determinations actually it defines what the dispositions are. That, he said, would give the complainants the actual technical meaning of what their dispositions are. He said they would suggest that it be inserted with every disposition letter.

Commissioner Medina made a motion to approve this new procedure, Commissioner Nelder seconded and it was unanimously approved for adoption.

RESOLUTION NO. 1659-88

OFFICE OF CITIZEN COMPLAINTS PRELIMINARY DISPOSITION PROCEDURE (MODIFICATION)

RESOLVED, that the Police Commission hereby approves the Office of Citizen Complaints preliminary disposition procedure (modification).

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

SETTING OF DATE FOR HEARING OF POLICE INSPECTORS FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION, MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION, WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION AND ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

Mr. John Prentice, Attorney for the Law Firm of Bley and Bley, said he was appearing on behalf of Inspectors McCoy and Dean. Ms. Carol Selliger also of the same Law Firm said she was appearing on behalf of Inspectors Kidd and Casillas. Police Officer Jeff Barker, Management Control said he was appearing on behalf of the Department. Mr. Prentice said the parties have discussed a date for the Hearing and March 15th appears to be a very good date for the Hearing. He said he understands that there is no objection by the Department for that date. Commissioner Giraudo asking if this was the first available date was told by Officer Barker that the first available date would be January but he has been told that one of the Inspectors will be on Military Leave during the month of January and one of the Attorneys for the Inspectors will not be available in January either. Mr. Prentice said there will be a total of four (4) attorneys representing the Officers and because of the various conflicts the first available date, March 15th, 1989, seems to be the only one convenient for all parties.

Commissioner Orr said it seemed like it was an awfully long time.

Ms. Selliger said she agreed and if they could, in some way move it up they would, but the real problem for the attorneys are a succession of trial dates and some of those dates are out of city and they couldn't be back any earlier. She said she was personally scheduled for back to back trials between now and January in succession to January 23, 1988 and so that is one real major complication. Mr. Prentice said they also have a Military Leave issue with one of the Officers who is going to be on Military Leave in January and also with one of the attorneys that will be gone for a good portion of the month of February.

Commissioner Giraudo said he has heard that statement quite often during his tenure as a Commissioner but he also asks the question as to whether the attorneys are practitioners or don't

they have partners or associates that can represent clients. Mr. Prentice said that there is some flexibility there but the problem is that in their office they have three (3) attorneys that are committed to this case so a fairly good percentage of their staff is working on the case and they have taken that into consideration.

Commissioner Orr wondered if the Officer would be gone the entire month of January and was told by Mr. Prentice that he believed that it was for a two week period only. She then asked about other time periods in January. Officer Barker said the first available time in January is the 24th. Mr. Prentice said that what they were asking for is a date which is only 45 days later than the first available date and he felt under the circumstances of this case and with the preparation that will be necessary for this case he felt that it was a reasonable request. Commissioner Orr said she thought that the Community has a certain desire to see this case handled in an expeditious manner as well and the Commission would be willing to move some previously scheduled cases in lieu of the urgency of this matter if that is possible.

Ms. Selliger said she understood the concern of the community but given the fact that the Commission's first available date is still not for another two months she did not know if another 45 days, in that context, really means it will eliminate further lengthy delay because they will be all set and ready to go and with no request for any further continuances.

Mr. Prentice said that his clients are extremely concerned about getting to a hearing as quickly as possible but the attorneys want to do it in a way that insures that they have proper representation and in a way that allows them to go on with the hearing without delays and without request for delays. He said they have spent considerable time talking to all counsel, talking to all police officers involved and they have documented an initial batch of discovery which is quite lengthy, so, for numerous reasons they would ask that the matter be set for March 15, 1989.

Commissioner Orr, in questioning the Chief, asked if he had any experience with working with the Military in being flexible and accomodating the Police Commission's cases?

Chief Frank Jordan said it has to be looked at in two (2) ways. The Officer, he said, works full time for the SFPD so his Military obligation should be a secondary one. So, he said, if the SFPD has a problem from its standpoint it should be looking to the Military to see if there is some flexibility based on SFPD needs.

Commissioner Orr said she was wondering if contact by the Chief of Police of San Francisco might assist them in accomodating the Commission's Calendar.

Chief Jordan said he would certainly attempt to proceed along those lines.

Mr. Prentice then said that leaves a problem with the two attorneys if it is set in January which will actually prevent one of the officers from having the attorney of his choice.

Ms. Selliger said they were not trying to be obstructionist but it is a logistical problem with these many people and it does not seem to be very efficacious to have to duplicate this hearing many times.

Commissioner Medina, in addressing the Chairman, said given the constraints of the Commission Calendar and the problems and logistics mentioned in getting all parties together and also recognizing community concern he would make a motion for the Hearing date be set for March 15th, 1989. Commissioner Nelder said he would second the motion because he felt that the Commission should hear this matter in total and not bifurcate it. Thereafter, it was unanimously voted for approval of Hearing on March 15th, 1989.

RESOLUTION NO. 1660-88

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR FRANK C. McCOY, INVESTIGATIONS BUREAU - HOMICIDE SECTION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Frank C. McCoy, Investigations Bureau - Homicide Section, was called it having been scheduled for this date; and

WHEREAS, it was requested by Officer Jeffrey Barker, Management Control Division, San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Inspector Frank C. McCoy be set for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Frank C. McCoy is set for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1661-88

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR MARVIN V. DEAN, INVESTIGATIONS BUREAU - HOMICIDE SECTION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Marvin V. Dean, Investigations Bureau - Homicide Section, was called it having been scheduled for this date; and

WHEREAS, it was requested by Officer Jeffrey Barker, Management Control Division, San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Inspector Marvin V. Dean be set for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Marvin V. Dean is set for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1662-88

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR WILLIAM F. KIDD, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Inspector William F. Kidd, Investigations Bureau - General Work Section, was called it having been scheduled for this date; and

WHEREAS, it was requested by Officer Jeffrey Barker, Management Control Division, San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Inspector William F. Kidd be set for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector William F. Kidd is set for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1663-88

SETTING OF DATE FOR HEARING OF POLICE INSPECTOR ANTONIO L. CASILLAS, INVESTIGATIONS BUREAU - GENERAL WORK SECTION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Inspector Antonio L. Casillas, Investigations Bureau - General Work Section, was called it having been scheduled for this date; and

WHEREAS, it was requested by Officer Jeffrey Barker, Management Control Division, San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Inspector Antonio L. Casillas be set for March 15, 1989; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Inspector Antonio L. Casillas is set for Wednesday, March 15, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

SETTING OF DATE FOR HEARING OF POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION - DOG UNIT

Officer Jeff Barker advised the Commission that this Officer is currently on suspension and the General Orders and Charter requirements call for it to be heard within ninety (90) days. He said he would suggest November 30th, 1988. Commissioner

Giraudo said that he was a little confused in that he heard the first available date was in January and now the Commission is setting this for November 30th. Officer Barker said that on November 30th Police Officer Coley was scheduled to be heard and the Department has to move the date up for him. He said since Officer Carreon is on suspension his case has to be heard within 90 days.

Commissioner Lee prior to discussion had moved for hearing Carreon on November 30th with a second from Commissioner Nelder. At this time Commissioner Giraudo called for the vote and it was unanimously approved.

RESOLUTION NO. 1664-88

SETTING OF DATE FOR HEARING OF POLICE OFFICER ANTHONY J. CARREON, TACTICAL DIVISION - DOG UNIT

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Anthony J. Carreon, Tactical Division - Dog Unit, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Management Control Division, San Francisco Police Department, that the date for the hearing of disciplinary charges filed against Officer Anthony J. Carreon be set for November 30, 1988; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Anthony J. Carreon is set for Wednesday, November 30, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1665-88

RESETTING OF DATE FOR HEARING OF POLICE OFFICER TONY B. HICKS, POTRERO STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, Officer Jeffrey Barker, Management Control Division, San Francisco Police Department, requested that the date for the hearing of Police Officer Hicks be reset for January 18, 1989; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, is reset for Wednesday, January 18, 1989 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1658-88

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER BETTY L. BROWN, CRIMINAL INFORMATION DIVISION - RECORD ROOM

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Betty L. Brown, Criminal Information Division - Record Room, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Members shall obey all lawful orders of superiors (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Betty L. Brown, Criminal Information Division - Record Room, is scheduled for Wednesday, September 28, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER D-20, "RESERVE OFFICER PROGRAM"

Lieutenant James Tedesco, Personnel, said the Proposed General Order D-20 does nothing more than formalize the standing existing policy regarding the operation of the Reserve Program. He said it delineates the responsibility to the Personnel Division for the selection and assignment of Reserve Officers and to the Training Division the responsibility for completing the mandated training. Other than that he said the supervision of the Reserves when deployed will revert to the site Commander or to whomever where they are deployed.

He said there was a recommendation on behalf of the Reserve Committee to amend the Reserve uniform and they would be armed in accordance with the Department's standing procedures and POST guidelines.

Commissioner Nelder having asked and received answers to questions about the uniform, he also asked if this item has been studied to the point of eliminating a lack of confusion by the public as to what to expect from Reserve Officers and if their uniforms would be very close to what the SFPD Officers currently wear?

Lieutenant Tedesco said they would be identical to one of the classes of uniforms worn by SFPD regulars, the short jacket, Class A and Class B, without the jacket.

After further discussion on the issue Commissioner Nelder said he would like to study it further for another week and made a motion to continue it for one week. Commissioner Lee seconded and said that since it is being continued for one week he would like for Lieutenant Tedesco to see what can be done about the citizenship requirement and if it can or cannot be waived. Commissioner Orr also wanted to know what the compliment of the Reserves are and how many are Level 1? Lieutenant Tedesco said that at the current time there are a total of sixty-one (61). Fourteen (14) Level 3, forty-seven (47) Level 2 and no recognized Level 1 at this time. He said there are six (6) eligible who with a little more training and a recommendation from the Chief of Police could attain the Level 1.

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON THE COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #416 HELD BY BERNIE HUIE AND COMPANY

Lieutenant Harlan Wilson, Permit Section had Officer Linda Flanders of the Permit Section to give the Commission an overview of this item. Officer Flanders gave a chronological breakdown of this matter citing the effective date of Proposition K, July 1, 1978, and Ordinance regulating Taxi Cabs in San Francisco. She said on June 8, 1978, Tony Hui transferred one Taxicab Medallion from his name into the corporate name of Bernie Hui and Company. She said this Corporation at that time were held in the names of Tony Hui, Sophie Hui, his wife and their son Bernie Hui, each holding one third percentage of the stock. She said this permit stays in the Corporate name until the death of all permit holders or until the transfer of more than 10% of the Corporate Stock. She said on July 12, 1979, another son, Alvin Hui was born but it was not until August 27, 1980 that any stock was actually issued for the Company of Bernie Hui and Company. She said at that time equal percentages of stock were issued to Tony Hui, Sophie Hui, his wife, Bernie Hui, his son and Alvin Hui, his son. She said in 1985 the Permit Section began an investigation into all corporately held permits and Bernie Hui and Company was investigated. She said in January of 1987 this investigation was sent to the Legal Office for review and presentation before the Police Commission. She said for many reasons this investigation was not presented. She said to simplify and expedite this procedure for now and in the future the Permit Staff has retrieved the pending complaints from the Legal Office for presentation before the Commission. She said the Permit Staff feels that the issuance of Stock to Alvin Hui is a clear violation of Proposition K regarding the transfer of more than 10% of the corporate stock since Alvin Hui was not born at the time the corporation began. She said the Permit Section recommends a revocation of this Taxicab Permit for that violation.

Commissioner Giraudo said he did not feel Proposition K was meant to take away someone's livelihood because he gave his some 10% of his stock in his Corporation.

Lieutenant Wilson then advised that whether it is agreed or not, that he had looked at it and discussed it with the City Attorney and the wording says, "Shall Revoke".

Commissioner Giraudo said he understood that but he would be happy to here from Mr. Hui's Counsel in this regard.

Mr. Norman Lew, Attorney for Mr. Hui, said that in Proposition K, there is discretion allowed for the Commission to determine whether 10% of the outstanding stock or 10% of the corporate assets can be transferred. He said he believes the language says that if one wishes to do that they must come before the Commission and receive permission. But that aside, he said, Helen Hui who was the corporate attorney for Bernie Hui and Co. had discussed this matter with Lieutenant Wilson and it was his understanding that if in fact the corporation would accede to the Department wishes that the share that were erroneously issued to Alvin be cancelled that may very well terminate this issue here. He said if the Commission would permit the cancellation of the stock then this would truly reflect what was intended by the corporation. He said there was no intention on the part of Mr. Hui nor would he be foolish enough to go through a transaction that would jeopardize this permit. He said one of the reasons to establish the corporation was to preserve this permit and to correct what should have been the sequence of events these shares should be cancelled because they never should have been issued to the benefit of Alvin.

Commissioner Nelder then asked Lieutenant Wilson if there has been anything wrong with the operation of this permit other than what has been brought here today? Lieutenant Wilson said not to his knowledge. Commissioner Nelder said he did not feel the Commission would move to revoke this permit and he would make a motion to accept Counsel Lew's recommendation that the son's, Alvin Hui, shares are cancelled and that Mr. Hui be admonished that in the future he is to be very careful about what he does as it relates to his corporation paperwork.

Commissioner Medina, had moved earlier to continue the matter and to seek further clarification, withdrew his motion.

Commissioner Nelder's motion was seconded by Commissioner Lee and thereafter unanimously approved.

RESOLUTION NO. 1666-88

HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #416 HELD BY BERNIE HUI & COMPANY

WHEREAS, a complaint for revocation of Taxicab Permit #416 was filed against Bernie Hui and Company, permit holder of Taxicab Permit #416, regarding his having added additional stockholders to the corporation after passage of Proposition K, and

WHEREAS, the matter was brought before the Police Commission for hearing on this date with an opinion from the Permit Staff that this addition was made with fraudulent intent since documents submitted by the corporate permittee misrepresent and contradict the facts, and

WHEREAS, during the hearing Mr. Norman Lew, attorney for Bernie Hui & Company, presented mitigating circumstances imploring the Commission that his client had never intended to perpetrate a fraud and requested to be allowed to correct what should have been the proper sequence of events and that the shares issued in the name of Alvin Hui should be cancelled as that should never have been issued to the benefit of Alvin Hui, and

WHEREAS, the Police Commission, based on this representation, believes there was no fraudulent intent and feels that stock certificates should be reissued in the names of the original three stockholders of Bernie Hui & Company; therefore be it

RESOLVED, that the Police Commission finds there was no fraudulent intent committed by Bernie Hui & Company and it is hereby ordered that stock certificates be reissued in the names of the original three stockholders, Tony, Sophie and Bernie Hui, all stock equally divided.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

DETERMINATION OF NEXT CANDIDATE ON TAXICAB APPLICANT LIST

Sergeant Gary Manini from the Taxi Detail said that last week the Taxi Detail requested permission from the Commission to move on to the next applicant on the Public Convenience and Necessity List as Mr. Welshans would be having hip replacement surgery and requested a waiver and a six-month time frame extension to return in order to get his medical requirements in order. He said he spoke to Mr. Welshans today and Mr. Welshans said that he had absolutely no objections to the Department moving on to the next applicant. He said Mr. Welshans is currently in a Board and Care Home in preparation for having the hip replacement surgery and will return in the six-month time frame to qualify or be disqualified as a rest of medical requirements.

Commissioner Giraudo inquired as to whether this permission or waiver had been received in writing from Mr. Welshans to which the Sergeant said no. Commissioner Giraudo said this was a very serious right that Mr. Welshans was relinquishing and that it would be obtained in writing.

Commissioner Nelder said that this is the very reason it was put over because the Commission wanted it on the Agenda as a matter of record because of the way these medallions are contested, so, he said, he would make a motion for a continuance of one week to allow Sergeant Manini to obstain something in writing relinquishing this right. Commissioner Lee seconded and it was unanimously approved.

STATUS REPORT ON DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER DANIEL BAKER, POTRERO STATION

Officer Joe Engler of the Stress Unit, during a Closed Police Commission Personnel Matter, gave the Commissioners a report on the current status of Officer Daniel Baker. After receiving the report Commissioner Giraudo asked if the Commissioners had any other questions they wanted to ask Officer Engler about Officer Baker. Since there were none he thanked Officer Engler and said the Commission would proceed on the basis that Officer Baker's case will be heard as scheduled on October 12, 1988 at 4:00 PM. Commissioner Giraudo then said that another status report on this Officer would not be needed prior to that time.

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session on a Personnel Matter this evening with the Deputy City Attorney and no vote was taken. He then said before going to the next item he would like to make a brief statement. He said there is one particular item this evening that he needed to address and that is the Commission's best wishes and concern for the well being of Dolores Huerta. He said the Commission welcomes Public Comment on the incident involving Dolores Huerta, however, he said, he must remind the audience that the Commission may ultimately serve as the Trier of Fact for any Disciplinary Action that arises out of this incident and therefore, cannot discuss the propriety of the officers' conduct during the demonstration. He said the public should also direct its comments to the general actions and policy of the Department and refrain from offering evidence or testimony on the conduct of any particular officers. He said he would ask that anyone who speaks to the Commission this evening keep their remarks to three (3) minutes and attempt to not be repetitive of prior speakers.

The first speaker:

Mr. Larry Ukali Johnson Redd came forth and said he was representing the San Francisco Black United Front. He said he was here to make a comment because for some reason Lieutenant Frazier could not put their issue on the Agenda and as such he would like to see their item on the Agenda at the next Police Commission Meeting. He said they would like to present a statement on Charles Bell, Jr., the murder of Charles Bell, Jr. He said Art Agnos called for the Office of Citizen Complaints Investigation for his friend Dolores Huerta, however, the Black United Front have not heard him call for an investigation of the murder of Charles Bell, Jr. by the San Francisco Police Department. He said since so many versions of this murderous shooting incident are flying around San Francisco the San Francisco Black United Front calls on the San Francisco Police Commission to order the Office of Citizen Complaints to conduct an investigation of the murder of Charles Bell, Jr.. He said they are tired of going to these kind of funerals and that they are tired of it because it is the same kind of funeral they had to attend for Larry D. Lumpkin. He said, in fact, the shooting of Larry D. Lumpkin combined with the shooting of Charles Bell, Jr. puts

San Francisco squarely within the confines of South Africa. He said the San Francisco Black United Front condemns the San Francisco Police Department for the police brutality committed against Dolores Huerta who is hospitalized and is the Vice President of the United Farm Workers Union, however, he said, they also condemn ambushing and shooting of citizens in the back no matter what the circumstances. He said this country professes to be one of rules that believes in the presumption of innocence until found guilty in a court of law. He said if police have instructions that it is okay to shoot a fleeing person in the back then the police become judge, jury and prosecutor all in one as well as executioner. He said Charles Bell, Jr. died as an innocent man since he was not convicted in a court of law for the crime he was alleged to have committed. Therefore, he said, the San Francisco Black United Front and the San Francisco Black Community calls on the San Francisco Police Commission to order a full investigation by the Office of Citizen Complaints. He said they cannot help but feel had the first murder of Larry Lumpkin been settled properly new guidelines could have been issued which would have prevented the senseless murder of Charles Bell, Jr.. He said Reverend Charles Bell wanted to be here but his some was buried on Friday and of course he is still grieving. He continued by saying that the Larry D. Lumpkin suit will be heard in U. S. District Court, October 31, 1988, and the reason it is coming to a suit is because the City of San Francisco failed to settle the case. He said the thing is this, unless something is done to change the current shoot-to-kill policy, more people will be harmed by deadly police brutality. He said the thing is if you are going to shoot somebody in the back they can no longer pose a threat to you while their back is turned because they are running away. He said that is why they reject the police version of the shooting because they said that the young man turned and approached the armed police officer with a knife. He said that is insane and assuming he did and the police officer fired three (3) times and missed him, as they said in the Examiner, then why would three or four more shots be fired once the person tried to flee away. He continued by saying that they want is a public full Office of Citizen Complaints Investigation of this shooting.

Commissioner Giraudo then asked if a complaint had been filed with the OCC? Mr. Redd said no and that he could give the Commission precedents on that one. He said when the San Francisco Black United Front (SFBUF) came before the Police Commission, September 11, 1986, about the shooting of Larry Lumpkin, at that point they had not filled out an Office of Citizen Complaints form because the OCC form is for an individual complainant and not for a community group. He said they are community group and they are asking the Police Commission to order this investigation.

Commissioner Giraudo said he was sorry but he did not believe those were the facts. He said it is his understanding that any citizen or any group can file a complaint with the OCC and he knows that if Mr. Redd files that complaint the investigation will be conducted, so Mr. Redd is free to file such a complaint.

Mr. Redd said they are also free to come before the Police Commission and ask the Police Commission to order said investigation.

Commissioner Giraudo, acknowledging Mr. Redd, said the proper procedure would be to file a complaint with the Office of Citizen Complaints and it will be thoroughly investigated. Mr. Redd said that may be the Commission's procedure that Commissioner Giraudo is stating now but they have chosen to come before the Commission. He said this is what the hypocrisy in the whole move is, the OCC has been jumping on the Dolores Huerta case where she has been injured and the SFBUF is really sorry that she has been injured in that way, however, their is a man that is dead and the OCC should be ordered by the Police Commission right away to do an investigation any time someone is killed under questionable circumstances and that is why they are here.

Commissioner Giraudo said what he is asking Mr. Redd to do is simply to see Mr. Langer file the complaint and Mr. Redd will have his investigation conducted to the fullest of their (OCC) capability and ability. (After brief further discussion, the next speaker was heard.)

Mr. John Wahl addressed the Commission and said that he was present a week ago when the demonstration occurred against Vice President George Bush. He said he met Dolores Huerta that evening because Howard Wallace is a friend of his and he introduced him and he was with him up until five (5) minutes before she was injured. He said what he is going to say he did not feel was evidentiary in any charges that the Commission may have to hear later but it is very definitely a matter that the Commission needs to hear and the Department needs to hear. He said what he witnessed that day was an attempted crowd control that was very defective. The Public Address Systems were low, you could not hear them over the crowd noise and it is his understanding that they were not the loudest Public Address Systems that were available as they apparently were not the ones that are contained police cars. He said the way the crowd was moved began as they were all on the sidewalk next to the St. Francis Hotel. He said that is a long half block corridor and they were not blocking the entrance. At one point, he said, he was with Dolores and Howard at the front of the line and there was some colloquy between some Bush supporters and themselves but there was nothing in any way a threat to violence. Suddenly, he said, some order was given and about four (4) officers or perhaps more were jabbing with batons at the people in the front line. He said this may be something that Police Departments have recognized as crowd control for many years but this is not good crowd control. He said it is dangerous for the people there, it is ultimately dangerous for the police officers because there was a long half block corridor of people and as you push those people at one end the people in the middle and at the other end didn't know what was happening and they just stood there. He said all of a sudden people got crushed together. He said at the time this happened he had moved about five (5) or six (6) layers of people away from Howard and Ms. Huerta have a rib broken because he was between a couple of people. He said he would assure the Commission that he is not making any claim against the City and County he was just telling the Commission what happened. He said one person dropped something and started to bend over and luckily his companion kept him from doing that

or he probably would have been another person in the hospital. He said he had to tell the Commission something he heard this evening. As he understood it, Channel 4 came out with this on the 4 o'clock news that there are apparently witnesses that state that some sergeant there gave the order, 'now you can start hurting people', to members of the Tactical Squad. He said he personally did not hear that but he understands that there are witnesses who did hear it and are willing, able and ready to testify to that. He said if that is the case we have descended a long, long way from some of the demonstrations he has been involved in and worked with the Chief and other people from all parts of the political spectrum. He said if that is the case the Commission has in front of it a powder keg. He said if enough anger develops and those people say no, we are not going to move and they suddenly charge those four (4) officers and knock them over you have the beginning of Beirut or Northern Ireland in San Francisco. He said he was not exaggerating because he was there. He said most Officer need sensitivity training and he would be the first to volunteer to give them that training. He said he would like to know what the role of the Secret Service was in this demonstration and if they gave the order to sweep the sidewalk. He said finally, he would like to ask the Commission that the function of taping demonstrations be transferred from the Department proper to the Office of Citizen Complaints.

Mr. Walter Johnson, Secretary Treasurer of the San Francisco Labor Council, said he had been instructed by his Executive Committee to be present here tonight and bring forth their feelings regarding the Dolores Huerta incident. He said there is a lot of unrest and discontent throughout the labor movement now and he personally is concerned. He said he was in the area prior to the incident and if he had not gone to Supervisor Wendy Nelder's Reception he probably would have been there when the problems arose. He said when he left he saw the Police sitting on their motorcycles and he wondered why that kind of attention or that kind of protection was needed. He said he had been through this a few times and has had the cooperation of the Department and he felt that after this incident now is the time that the Mayor, the Police Department and the Commission all get together to see if the cooperation of demonstrators and the city had many years ago can be restored. He then presented photos of what he said was a very active strike in 1972 when things were boiling a little bit more than they are now in the Emporium Strike. He said the photos show they had at that time 3,000 people in front of the Emporium, they marched down Market Street, they sat in the store and did a number of other things, all legal. He said they notified the Mayor and the Police Department ahead of time and not one person, during the entire twenty-eight (28) day duration of the strike was arrested. He said later on the Sears Roebuck strike lasted 8 1/2 months with demonstrations every Saturday afternoon, one person arrested. He said they had a tent vigil in front of City Hall during that time and the Mayor bought coffee and doughnuts every morning for the people there. He said what he is saying is that they are not going to throw a blanket over the whole Department but he felt it was time to come and see if it can be brought back to what it was once in the City of San Francisco where this was a city where people could express their opinion. He said a review of history would be well in order.

Commissioner Giraudo thanked Mr. Johnson for his remarks and said he would like to assure him that the Mayor, the Chief of Police, his Department and the Police Commission are in the process of reviewing policy and procedures and are in the process of trying to learn, from a historical point of view, what Mr. Johnson has pointed out, and also of what is known of demonstrations today. He said to Mr. Johnson that the Mayor and the Police Administration share his concerns and appreciates his participation in tonights meeting.

Other speakers were:

Mr. Irvin Castro, Latino Community of San Francisco. He said his comments in general are that he was not in the demonstration when Dolores Huerta was hurt but he was in the demonstration a few years back when President Duarte of El Salvador was visiting in San Francisco. He said unfortunately something similar happened. Some people, he said, were really injured by the police department so it makes him wonder what is going on, what are the regular procedures for the police department to follow in any demonstration of this type. He said he would like to ask what would happen if the Ku Klux Klan was there., or the Nazi Party, would the police department react the same way? Honestly, he said, he did not think so. He said it makes him think that they are supposed to live in a country that is free, that is not like Chile, it is not El Salvador, it is not South Africa and that is his comment.

Joanne Hendon, Bay Area Coalition Against Operation Rescue, said she was with the pro-choice demonstration group at the Pregnancy Consultation Center where Right Wing Anti-Abortionist blocked the doorway to the clinic. She said Operation Rescue which is her group that oversaw this invasion of the clinic and blocking of the doorways stayed in the doorways for a good three hours before the SFPD did anything. She said there were forty (40) or more policemen just standing around. She said they finally did start to move people very slowly and booked people at the clinic and not at the stations and it was more time consuming. This she said was in stark contrast to what happened to Dolores Huerta and other just two nights before. She said what became apparent to her was that when they were out in the streets representing progressive movement issues, labor issues, feminist issues, people of color issues and anti-war issues, the police are ready to bash heads in a minute. She said when the right wing is at the door, breaking the law, the police is willing to sit by and coddle the right wing with kid gloves. She said she had to emphasize the point that women have a legal right to have an abortion and the police department did nothing for hours and hours. She said they were there to try to get the police to do their job which the Police stalled on and finally they did, after five (5) hours, they decided to call it an illegal assembly or an unlawful assembly. She said at that time they had arrangements with the anti-abortionist that if you wanted to get arrested to come and pick a spot and they will arrest them very nicely. She said those of her group who were there to keep the clinic open did not hear the order to disperse very clearly as they were at two (2) separate sites. She said at one point it filtered down that the police were demanding people to disperse or be arrested. She

said two friends of hers were leaving and as they attempted to do so they were arrested. She said they were Pro-Choice, they had large banners on, it was clear they did not want to get arrested. She said they were leaving with the press and the police asked them if they had a press pass which they did not and they were arrested. She said she then went up to the police to try and tell them to let them go because they were trying to comply with the police order to disperse the police then told her she was arrested. She said they arrested her for asking why was her friends arrested. She said the police officers who arrested them had very nasty comments towards them and also towards the city. She said they asked the police why are doing this and the police said because your boy Agnos lets us. She said those were their words and if that is true they want an accounting from the Mayor. She said they are demanding the charges against her group be dismissed, that operation rescue the Anti-Abortion Group be prosecuted to the fullest extent of the law and they are demanding that the police stop using these double standards where they bash in heads on Wednesday night and Saturday morning it is kid gloves because they agree with the Right Wing Anti-Abortionist.

Lance Haines, representing Way Pack, said he was here to speak briefly on the matter of the senseless killing of Mr. Charles Bell, Jr. by a SF Police Officer. He said he believed the issue was not one of whether the youth was selling drugs, or crack but the significant issue he said is why would a SF Police Officer would shoot and kill a defenseless and unarmed youth in the back. He said this is not a single or isolated example of police brutality or racism in San Francisco. He said the SFPD has a long history, as the Police Commission and the citizenry are well aware, of brutalizing and killing blacks. He said the Police Officer who murdered Mr. Bell is responsible for his actions and he should be punished to the fullest extent of the law. He said, however, he felt the responsibility did not lie solely with the Officer in question but it extends and reaches to the top floor of the SFPD. He said it rests at the desk of the Police Chief Frank Jordan. He said given the severity and the frequency of police brutality and violence against blacks in San Francisco he said he has two (2) demands: 1) That the Police Commission recommend, since the Department is out of control, that the Mayor should take it upon himself as he did with the SFFD to remove Frank Jordan from the SFPD. 2) That the Police Commission recommend to the Mayor's Office to set up an impartial and serious investigation of the killing of an innocent and defenseless black youth.

Raoul Lagos, Revolutionary Community Youth Brigade, he said he wanted to speak for all of the youth from the Sunnyvale Projects, from Richmond, from the Ghettos in this country that they know what it is like to live under this system. He said they condemn the murder, the police murder of Bailey, Jr., that they will never forgive and forget his murder as well as Tony Grosse's as they know what it is going to take and they know what time it is.

Tony Gonzalez, representative of the International Indian Treaty Council which is a United Nations Human Rights Organization. He said he is also a representative of the American Indian Movement and he is here tonight to register their concern about the brutal beating that went on last

Wednesday with Dolores Huerta. He said he wanted to tell the Commission that they will join forces with the African People and the Chicano People and all oppressed people if this continues not only in San Francisco but what is happening in the Southwest and throughout this country. He said there has been a history of brutality against their peoples and poor white people as well and cannot forget to remember the brutal killing of Reuben Salazar, one of their young leaders who was brutally shot in the back of the head in Los Angeles and the countless nameless people that have been brutalized over the last 150 years. He said he has had the priviledge to travel to many countries around the world to witness human rights violations and to present that to the Commission on Human Rights in Geneva and this incident certainly will be presented through the proper channels in Geneva. He said there are some countries that are considered Revolutionary and Totalitarian because of the actions that they take but the actions that they saw the police take in San Francisco was very facist and very totalitarian. He said they have several request here and just learning about the killing of Charles Bell infuriates him even more. He said so they are asking the Commissioners, because of their very important responsibility, to hold a special community meeting to specifically address the incident that took place with Dolores Huerta in the Police Department and they would like that meeting as soon as possible before the investigative reports are completed. He said also he wanted to ask the police what is its policy of the policemen removing placards and leaflets from the hands of people that have them in their hands. He said they want to remind the police department that the people have constitutional rights to speech and to assembly and to gather and to express their views and opinions. He said they ask that the policy on crowd control be re-examined, that the man who has badge 1448 should not have a desk job and if he has a desk job it should be in San Quentin. He said the Officer should be tried for attempted murder because they feel that it was willful and intentional what he did to Dolores Huerta. He said thanks to him it is going to cost this city millions of dollars, thanks to him he has re-awakened the consciousness of people throughout this country of what it is they are up against and what they are challenging. He said to make people more human is to make the police also be aware that they are inhuman. He said the actions of those police when they attack women such as they did that day is like an attack, they feel, on their mother's earth. He said these men conducted themselves like they were never cared for by women and they let out their fantasies, as Howard Wallace so eloquently expressed, 'letting out their fantasies by beating up these women and grandmothers'. He said because Frank Jordan is responsible for his troops and his men he should take full responsibility and therefore he should be removed from his position. He said every Police Chief should be removed if his men step out of line to the extent that they did that Wednesday. He said they welcome the Grand Jury investigation into this brutal incident and hope that this investigation and all of these investigations be handled expeditiously. He said they, in the community here in San Francisco, will not rest until justice is brought back into the city. He said they know that there will always need to be policemen and policewomen in all communities but when ever a few

bad apples, policemen who conduct themselves like the one did on Wednesday, they have to receive the punishment to the fullest extent of the law and the officers and the administrators who are responsible for them should also bear the responsibility and therefore be removed as well. He said they will not rest until this is brought to justice. This, he said, the Commission can be assured of.

Cathy Sealy, representing a group called Radical Women, said she wanted to speak about some things that have been raised tonight. She said one of them is that she was one of the people who were arrested on Saturday at the Abortion Clinic. She said she just wanted to talk about the connections between the different ways that the Police Department in this city is totally and completely out of control. She said they had an absolutely incredible situation on Saturday where they turned to leave to comply with the police order to disperse at the Abortion Clinic where over two hundred people had been breaking the law for over five (5) hours. She said she turned to leave and did not get two steps before she was prevented from leaving by a cop who grabbed her and arrested her. She said the only reason she could not disperse is because she was being arrested. She said then a friend who was with her was also grabbed by the same officer and was sexually harassed by him over and over again while they were waiting to be placed in the van. She said then they have the situation of Dolores Huerta who is obeying the law, demonstrating at a demonstration which she has a legal right to do and she gets almost killed. She said there is also a situation where people have been talking about the black youth in this community being murdered by the police. She said there is also a situation where over a hundred groups for years and years have been spied on by the police department in this city for assemblying, for asserting their legal and constitutional right to assembly. She said they know that this is happening on an ongoing basis as Radical Women is one of the groups that were spied on. She said she would totally agree, that given the situation, if Chief Jordan cannot better control his police officers then he should be removed. She said she also felt that the cops who assaulted her should be prosecuted to the fullest extent of the law. She said she felt that Operation Rescue People who are breaking the law should be fully prosecuted as well. She said so her main point is that she would like to ask the Commission to do everything in its power to hold the police department accountable for its absolutely unlawful conduct.

Stan Woods, who said he was just speaking for himself, and had planned to be a participant last Wednesday's demonstration but he didn't due to the fact that his two year old son was visiting him and what he himself has observed of past behavior by the SFPD he certainly could not risk bringing his son to the demonstration. He said what has happened this past week he has seen many times before. He said he has been active in the Political Left most of his life in the labor movement. He said since the ten years he has been in the San Francisco Bay Area he has seen at least six (6) occasions where there has been extensive police violence. He said Napoleon Duarte, the President of El Salvador, came here in 1980 stayed in the Jack Tar Hotel and after a series of incidents provoked by Reverend Moon's Unification Church with no interference by the San Francisco

Police Department including Martial Arts attacks on the demonstrators, the cops charged the crowds. He said one person waiting for a bus had a skull fracture, another woman waiting with her child at the bus stop was beaten by one of San Francisco's finest. He said when Kissinger was here several years ago there was another police attack and they particularly used motorcycle cops in that one, the demonstration against the Contras, the Building Trades demonstrations at the Moscone Center and in that one the police were a little more circumspect there. He said he suspects, even though he knows that they are very courageous individuals, it had something to do with the fact that the casualties would have been a little bit more two sided in that demonstration. He said he felt sure that Chief Jordan probably felt that that called for a little more caution. He said as for the case of Dolores Huerta, Channel 4's footage has proved what has already been proven by many eye witnesses, that Dolores Huerta was the victim of a calculated and vicious attack. He said there was no justification, she was trying to leave the scene of advanced aged but late middle age could possibly have presented a threat to a top conditioned Tactical Squad Officer but the footage proved beyond a shadow of a doubt. He said he realized that the District Attorney's Office has the power as to whether or not to instigate charges against the cop in question, however, he said, he was sure the Police Commission's decision has a lot of weight in what the District Attorney decides to do or not to do. He said the evidence is clear cut that the Tactical Squad attacked not only to Dolores Huerta but many other demonstrators. He said he wanted to add one other person. He said the Commission may have seen the case of the also late middle aged black woman who was a bystander. She, he said, was not only beaten, according to the Chronicle, but pulled out of a Double Rainbow Ice Cream Shop where she was arrested. But, he said, Channel 4 showed another cop with his baton raised above his head striking her. He said the evidence is very clear cut and the Commission is aware of it. He said he did not know if the Commission has the political courage to buck the wrath of the SFPD by demanding that they be prosecuted but the evidence is real clear. He said someone made the elusion to a social explosion that could happen but he did not feel it would be anywhere near the level of Beirut or Northern Ireland but it has happened too many times. He said even in non-political demonstrations, like the time when the 49ers won several years ago. That incident, he said, made headlines because Dianne Feinstein's close friend was beaten by the SFPD at that time. He said the complaints that have been filed with the OCC in the past few years have been legion, very few cops have even been suspended let alone fired and hardly any, if ever, been prosecuted. So, he said, this state of affairs really can't last too much longer.

Commissioner Giraudo thanked him and then announced the close of public comments, as no one present requested to speak.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief of Police Frank Jordan said that what he felt was important to add here tonight was that the people who spoke were all entitled to their opinion

but what he wanted to reiterate to all of them was just as he has said all along is that everyone is entitled to due process which everyone is aware of and is exactly what all want to see achieved. He said there are four (4) separate investigations being conducted of this incident and that he didn't think anyone was going to be judge, jury and executioner here at this Police Commission Hearing. He said there is a Management Control Investigation, Office of Citizens Complaints Investigation, a District Attorney's Investigation and an FBI Civil Rights Investigation. He said it is also important that they know that a number of things are taking place and that they are looking at all of the police department practices and procedures. He said there is no question in his mind that Management Control will finish its investigation first before the other three and he would like to see them move even faster but there is a problem with some of the people they have attempted to interview and they just can't force the issue as the Department has to go on those persons' time frames also. He said he has called for all of the films of every San Francisco T.V. Station that was there that night and they have cooperated with him by giving the Department their films but he did not want to prejudge anything in this particular case as he wanted everyone to have their fair and proper due process and that goes for the police officer as well. He said he felt that was important to keep in mind all the way through. He said this is an open hearing and as the follow-up takes place it can be handled in an open proper way and everyone will have every access from start to finish of this investigation.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer said that he had just one item and that it is regarding the position of the OCC that they will vigorously investigate any and all complaints against the SFPD. He said one of the obstacles they are encountering at this time is the fact that the people are not coming forward and giving them information. He said he will once again request that witnesses contact the OCC. He said in addition they have not been able to contact Dolores Huerta nor have they been able to talk to Howard Wallace and for the sake of a balanced and fair investigation it is essential that they talk to all parties.

The Police Commission meeting, thereafter, was adjourned at 8:06 p.m..

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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W/4485M

Minutes

SEPTEMBER 28, 1988 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Wednesday, September 28, 1988 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

SEPTEMBER 28, 1988 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, September 28, 1988 at 1730 hours in a Regular Meeting.

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Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

APPROVAL OF MINUTES OF SPECIAL MEETING OF JUNE 30, 1988 AND MEETING OF JULY 6, 1988

Approval of Minutes of Special Meeting of June 30, 1988 and Meeting of July 6, 1988, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1680-88

RODNEY GAYE WHITWORTH, et al vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Rodney Gaye Whitworth, et al in the amount of $31,500.00 in Superior Court No. 845-390 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1681-88

FRANCIS LINDH vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Francis

Lindh in the amount of $20,000.00 in Superior Court No. 836-870 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1682-88

JUDITH HAWTHORNE vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney foe settlement of the litigation of Judith Hawthorne in the amount of $6,000.00 in Superior Court No. 845-042 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1683-88

SAV HARASYMIV vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Sav Harasymiv in the amount of $6,000.00 in Superior Court No. 845-043 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 31, 1984

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1684-88

GRACE TUTTLE vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that judgment made in Superior Court No. 834-497 to Grace Tuttle in the amount of $5,110.00 entitled "People of the State of California vs. Property Subject to Disposition, $10,710.00 United States Currency, et al" as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1685-88

CALIFORNIA STATE AUTOMOBILE ASSOCIATION vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of California State Automobile Association in the amount of $1,000.00 in Municipal Court No. 007-628 entitled "California State Automobile Asscoaition vs. City and County of San Francisco" as a result of

damages sustained, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1686-88

JONES TOWING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jones Towing in the sum of $155.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1687-88

CITY TOW (VANEGAS, IVAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Vanegas, Ivan) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1688-88

CITY TOW (TONG, LANCELOT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Tong, Lancelot) in the sum of $150.00 as a result of a faulty tow,b e, and the same is hereby approved.

Date of Incident: June 2, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1689-88

CITY TOW (SMITH, LILLIAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Smith, Lillian) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1690-88

CITY TOW (PRICE, YVONNE E.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Price, Yvonne E.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1691-88

CITY TOW (VALDEZ, RICHARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Valdez, Richard) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1692-88

CITY TOW (TURNER, BRENDA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Turner, Brenda) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1693-88

CITY TOW (PORTLUCK, C.C.)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of City Tow (Portluck, C.C.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1694-88

CITY TOW (MEZA, ELAINE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Meza, Elaine) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1695-88

CITY TOW (LEONARD, HELEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Leonard, Helen) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1696-88

CITY TOW (BROOKS, FREDDIE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Brooks, Freddie) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1697-88

CITY TOW (DEASY, JAMES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Deasy, James) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1698-88

CITY TOW (CUMMING, GERRY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Cumming, Gerry) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1699-88

CITY TOW (McCOY, CARLA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (McCoy, Carla) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1700-88

CITY TOW (MAZVILLO, RICHARD A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Mazvillo, Richard A.) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1701-88

CITY TOW (CISNEROS, JUAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Cisneros, Juan) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 29, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1702-88

CITY TOW (BRUILLETTE, CANDACE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Bruillette, Candace) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1703-88

CITY TOW (TAYLOR, GRANDVILL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Taylor, Grandvill) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1704-88

CITY TOW (SIERRA, JULIO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Sierra, Julio) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1705-88

CITY TOW (DAVID J. RUST)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (David J. Rust) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1706-88

CITY TOW (JOYCE LAMONT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Joyce Lamont) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1707-88

CITY TOW (CARMY KESTEREN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Carmy Kesteren) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1708-88

CITY TOW (NOVICE GRIFFEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Novice Griffen) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1709-88

CITY TOW (KEN DEL CASTILLO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow

(Ken Del Castillo) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1710-88

CITY TOW (ZOZEF YOUTOUB)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Zozef Youtoub) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1711-88

WILLIAM P. KENNEDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William P. Kennedy in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1712-88

CITY TOW (ROMEO MATUTE)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Romeo Matute) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1713-88

CITY TOW (GLORIA JEAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Gloria Jean) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1714-88

CITY TOW (SUZANNE BAUER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Suzanne Bauer) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1715-88

CITY TOW (ANITA BARRON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Anita Barron) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1716-88

CITY TOW (ALFREDO R. ARANO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Alfredo R. Arano) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1717-88

CITY TOW (VICTOR K.H. YAN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Victor K.H. Yan) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 4, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1718-88

CITY TOW (ROBERT THOMPSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Robert Thompson) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1719-88

CITY TOW (MARIO RODRIGUEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mario Rodriguez) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1720-88

CITY TOW (JOHN McCUTCHEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (John McCutchen) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1721-88

CITY TOW (JENNIFER S. McDON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jennifer S. McDon) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1722-88

CITY TOW (JOSEPH HUNTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Joseph Hunter) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1723-88

CITY TOW (KEVIN BUTER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Kevin Buter) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1724-88

CITY TOW (MARSHA L. ALMODOVAR)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Marsha L. Almodovar) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1725-88

CITY TOW (MARK C. POLLONI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mark C. Polloni) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1726-88

CITY TOW (C. SOO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (C. Soo) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1727-88

CITY TOW (CLARENCE SCOTT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Clarence Scott) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1728-88

CITY TOW (A. AMATO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (A. Amato) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1729-88

CITY TOW (DEBRA MESSINGER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Debra Messinger) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1730-88

CITY TOW (SERGIO A. FERNANDEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Sergio A. Fernandez) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1731-88

CITY TOW (ROGER REEKIE)

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of the City Tow (Roger Reekie) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1732-88

MICHAEL LAUTERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Lauterman in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1733-88

CITY TOW (DAMON QUINBY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Damon Quinby) in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1734-88

JANE B. KROESCHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jane B. Kroesche in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 9, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1735-88

JOHN MULLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Mullins in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1736-88

CITY TOW (EVELYN ASPIRAS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Evelyn Aspiras) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1737-88

CITY TOW (JAMES WALKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (James Walker) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1738-88

CITY TOW (REBECCON VIRGIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Rebeccon Virgin) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1739-88

CITY TOW (D. WALKER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (D. Walker) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1740-88

CITY TOW (MILTON TUNNER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Milton Tunner) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1741-88

CITY TOW (ROBERTO C. RAMIREZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Roberto C. Ramirez) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1742-88

CITY TOW (JAMES J. MASLOWSKI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (James J. Maslowski) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1743-88

CITY TOW (IRENE K. DAWSON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Irene K. Dawson) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1744-88

CITY TOW (HILDA DABAI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Hilda Dabai) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1745-88

CITY TOW (TOM & CATHY STEVENS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Tom & Cathy Stevens) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1746-88

CITY TOW (DAVID J. RUST)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (David J. Rust) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1747-88

CITY TOW (MAE T. McMAHON)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Mae T. McMahon) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1748-88

ALEXANDRA CONS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexandra

Cons in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1749-88

PAMELA STONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela Stone in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1750-88

HEIDI L. PLANT

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Heidi L. Plant in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1751-88

CITY TOW (JACQUES LEWIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Jacques Lewis) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

RESOLUTION NO. 1752-88

CITY TOW (RUTH A. STEIGER)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the City Tow (Ruth A. Steiger) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1988

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session this date on Personnel Matters and no vote was taken. He said today there was also a public hearing before the Finance Committee of the Board of Supervisors and Supervisor Molinari had asked the City Attorney to prepare a report with respect to a comparison or contrast to claims filed against the City and County of San Francisco particularly against the Police Department and asked that a comparison be done for the last three (3) years of Chief Murphy's administration and the first three (3) years of Chief Jordan's administration. He then read the following: "The conclusion was that the claims filed have decreased significantly, 796 under Chief Jordan. The approximately 10% increase in the amount paid is effected by factors such as Traffic collision claims. A significant number of claims are for traffic collisions the repair cost for which have increased significantly. A higher amount of claims paid can also reflect claims being settled earlier saving more costly law suits later." The reason why he read this, he said, was that the report was asked for and it was not made public today before the Finance Committee to the Press and the Media and, he said, he thought it very significant in light of what is being dealt with by the Finance Committee and the Commission that in fact claims have been reduced significantly and he thought it was time that somebody was able to say something positive in terms of all that has been going on in the last few weeks.

Commissioner Gayle Orr-Smith said she felt it was a compliment to Chief Jordan and to his Administration that the Department has performed so well over the past three (3) years. She then said to the Chief, "Congratulations and thank you for all your hard work."

(a) PUBLIC COMMENTS

No public comments.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said the only item that he could report on is the continuing progress on the investigations of the Dolores Huerta incident. He said the Administration is doing everyting it can through their own investigation to expedite the process to make sure that everybody is interviewed that should be interviewed. He said they still are missing some key witnesses but hopefully in the next week or ten (10) days they will be able to have them come forward but at this time it is slowing down the process somewhat. He said, however, he felt it was important that the Police Department continue to say this, that they are aggressively pursuing the investigation, that they are also looking at a variety of policies and procedures in the police department, in terms of their Tactical Teams in use of batons and for that matter they have sent letters out to fifty-three (53) different police departments, to the International Association of Chiefs of Police (IACP), the National Institute of Justice (NIJ), the Police Foundation, looking to see

if there is anything out there that is different than what the SFPD is doing because they know that they are following the excellent standards of the California Peace Officers Standards and Training (POST). He said the SFPD wants to see if there is something out there that somehow the SFPD can look at or evaluate and see if it can be used in the SFPD for crowd control in moving people from point A to point B in the easiest possible way. He said so they are looking for all kinds of ways to help but they also know that demonstrations are going to continue to occur, but the Department must be out there in the line to police them. He said he knows that it involves an awful lot of stress and tension on the part of the police officers, they have a very difficult job to do with dwindling resources but they are going to work on every aspect of this. He said he wanted to reassure the citizenry of San Francisco that whatever these investigations show that the SFPD will deal with them honestly and openly and also deal with them in terms of helping police officers who do an outstanding job out in the streets under some very difficult circumstances.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC, said that at the direction of the Police Commission, the OCC contacted Larry Johnson Redd who was in the Police Commission Hearing last week, on Thursday morning and asked him if he wanted to make a complaint with the OCC and he declined to do so over the telephone and requested that the OCC send to him a 293 Complaint Form. Mr. Langer said having received no answer as of this morning he had one of the investigators contact him and Mr. Redd advised the investigator that the form that the OCC has was not adequate for his purposes and requested that the OCC re-design its form. Mr. Langer said Mr. Redd's major complaint at this time is that he wishes to make a complaint on behalf of an Organization and doesn't feel that the form fits that need. Mr. Langer said that they pointed out the fact that numerous people have made complaints on behalf of Organizations using that form and the OCC believes that it is adequate, however, the OCC will continue to pursue this matter with Mr. Redd. He said the second matter is with respect to the Dolores Huerta investigation. And he said just to echo some of the things that the Chief said is that the OCC also has been pursuing this and have been unable to interview either Dolores or Howard Wallace and it is sort of hampering the OCC investigation at this time.

Commissioner Giraudo said that before the Commission calls for the next item he would appreciate seeing all of the attorneys on the four (4) companion cases that were set last week for March 15, 1989. The cases were those of Inspectors Frank McCoy, Marvin Dean, Antonio Casillas and William Kidd. Commissioner Giraudo said he has some questions he would like to pose to those attorneys and possibly consider a re-setting for another date. He said he would appreciate it if they were all notified and asked that they all be present so that there will not be one attorney representing three attorneys telling the Commission that everybody is going to be on vacation or trial. He said this is because it was his understanding that there were other alternate dates that were not

presented to the Commission by those attorneys pursuant to a view of all of their calendars at one time as well as the Department's calendar. Commissioner Orr-Smith said she would make the motion for consideration for re-setting. Commissioner Medina seconded and it was unanimously approved for placing on next week's calendar.

RESOLUTION NO. 1676-88

REQUEST OF THE CHIEF FOR APPROVAL TO ADOPT AN AMENDMENT TO THE SAN FRANCISCO ADMINISTRATIVE CODE RELATING TO THE CALCULATION AND RECOVERY OF (DUI)EMERGENCY RESPONSE EXPENSES

WHEREAS, the California Government Code Article 8 commencing with Section 53150 of Chapter 1 of Part 1 of Division 2, provides for defendants to be ordered to pay the emergency response costs incurred by a public agency; and

WHEREAS, the Department needs to collect whatever money it is due, and

WHEREAS, the Department is ready and able to determine said costs incurred by the convicted DUI defendant; and

WHEREAS, a request must be forwarded to the Board of Supervisors to adopt this addition to the Administrative Code; be it therefore

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt Section 10.28A as written and add it to the Administrative Code.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

DETERMINATION OF NEXT CANDIDATE ON TAXICAB APPLICANT LIST

Lieutenant Harlan Wilson, from the Permit Section said this matter deals with application of the request of Mr. Welshans to be able to have an extension of his application because of his medical problems. He said the Permit Section has obtained a signed release from Mr. Welshans which should be in the Commissioners packages. He said if the Commissioners have any questions on it he would be willing to discuss it further.

Commissioner Giraudo said that the signed release was what they were looking for in terms of someone giving up that kind of right.

Commissioner Nelder said he would make a motion for approval, it was seconded by Commissioner Medina and unanimously approved.

RESOLUTION NO. 1679-88

DETERMINATION OF NEXT CANDIDATE ON TAXICAB APPLICANT LIST

WHEREAS, the hearing on determination of the next candidate on the taxicab applicant list was called, it being continued from the meeting of September 21, 1988; and

WHEREAS, Mr. William D. Welshans, the next applicant on the list is requesting an extension of time to correct his medical problems and was granted a six months stay of denial (see Resolution No. 1651-88); and

WHEREAS, Mr. Welshans has given written permission to proceed to the next applicant on the Taxicab PC&N list pending the six months period for his hearing to qualify for the Taxicab Medallion; therefore, be it

RESOLVED, that it is the findings and decision of the Commission that the next candidate on the Taxicab Public Convenience and Necessity List be considered for the Taxicab Medallion.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR HEARING ON COMPlAINT FOR REVOCATION OF LIMOUSINE PERMIT L-0020 ISSUED TO EDWIN F. ESPY, JR.

Officer Linda Flanders of the Permit Section addressed the Commission on this issue. She said on August 19, 1988 Mr. Edwin Espy passed away and as per City Charter Motor Vehicle for Hire Permits are returned to the City and County of San Francisco upon the death of the permit holder. She said Mr. Robert Ozeal of Associated Limousine where the permit was handled has been notified of the Hearing and also Miriam Rossi, Mr. Espy's stepdaughter was notified and to the best of the Permit Section's knowledge there is no objection to the permit being returned to the City.

Commissioner Nelder said since this is in accordance with Proposition K he would move approval, Commissioner Medina seconded and it was unanimously approved.

RESOLUTION NO. 1677-88

HEARING ON COMPLAINT FOR REVOCATION OF LIMOUSINE PERMIT L-0020 ISSUED TO EDWIN F. ESPY, JR.

WHEREAS, the hearing on the request of the Chief of Police on complaint for revocation of Limousine Permit L-0020 issued to Edwin F. Espy, Jr. was called, it having been set for this date; and

WHEREAS, the death of Mr. Edwin F. Espy, Jr. has been verified by the Permit Section; and

WHEREAS, pursuant to San Francisco Charter Appendix F, Section 1(a), the permit reverts to the City and County of San Francisco upon death of a permit holder; therefore be it

RESOLVED, that it is the findings and decision of the Commission, based on the evidence presented, to revoke Limousine Permit L-0020 issued to Edwin F. Espy, Jr.

AYES: Commissioners Giraudo, Lee, Medina, Nelder, Orr-Smith

REQUEST OF THE CHIEF OF POLICE FOR A HEARING ON COMPLAINT FOR REVOCATION OF TAXICAB PERMIT #735 HELD BY FRANK DIAMOS

Officer Linda Flanders, Permit Section, said that on September 23rd she was contacted by the INsurance Company involved in this issue and it said it agrees to honor the claim for coverage on this medallion and also agreed that there would be no lapse in coverage. She said therefore, the Permit Section is withdrawing the complaint. She said all parties to this section have been notified.

Commissioner Giraudo then said therefore, there is no actrion needed to be taken by the Commission.

Commissioner Orr-Smith then said she would move for adjournment, Commissioner Lee seconded and the meeting was adjourned at 6:45 p.m..

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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